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LOK SABHA

The following Report of the Joint Committee on the Bill to provide for the transfer of certain territories from Bihar to West Bengal and for matters connected therewith, was presented to Lok Sabha on the 11th August, 1956:—

Composition of the Joint Committee

Shri Govind Ballabh Pant—*Chairman*.

MEMBERS

Lok Sabha

2. Shri Atulya Ghosh
3. Shri Upendra Nath Barman
4. Shri Abdus Sattar
5. Shri Subodh Hasda
6. Dr. Ram Subhag Singh
7. Shri A. Ibrahim
8. Shri Bhagwat Jha 'Azad'.
9. Shri Syamnandan Sahaya
10. Shri P. C. Bose
11. Shri Phani Gopal Sen
12. Shri H. V. Pataskar
13. Shri P. Ramaswamy
14. Shri Asim Krishna Dutt
15. Pandit Algu Rai Shastri
16. Shri Shriman Narayan
17. Shri Radha Charan Sharma
18. Shri B. N. Datar

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19. Shri Gurmukh Singh Musafir
20. Dr. Hari Mohan
21. Shri S. K. Patil
22. Shrimati Tarkeshwari Sinha
23. Shri N. C. Chatterjee
24. Shri S. S. More
25. Shri Vijñeshwar Missir
26. Shri Jaipal Singh
27. Dr. Lanka Sundaram
28. Shri Mohit K. Moitra
29. Shri Tushar Chatterjea
30. Shrimati Renu Chakravartty
31. Shri J. B. Kripalani
32. Shri Bhajahari Mahata
33. Shri Benjamin Hansda

Rajya Sabha

34. Shri K. P. Madhavan Nair
35. Kakasaheb Kalelkar
36. Dr. Radha Kumud Mookerji
37. Dr. Nalinaksha Dutt
38. Prof. Humayun Kabir
39. Shah Mohammad Umair
40. Syed Mazhar Imam
41. Shri R. P. N. Sinha
42. Prof. R. D. Sinha Dinkar
43. Shri P. N. Saprú
44. Shri Abdur Razzak Khan
45. Shri Satyapriya Banerjee
46. Shri Kishen Chand
47. Kunwarani Vijya Raje
48. Shri Rajendra Pratap Sinha

DRAFTSMEN

- Shri K. V. K. Sundaram, *Special Secretary, Ministry of Law.*
- Shri R. S. Sarkar, *Joint Secretary and Draftsman, Ministry of Law.*

SECRETARIAT

- Shri P. K. Patnaik, *Under Secretary.*

Report of the Joint Committee

I, the Chairman of the Joint Committee to which the *Bill to provide for the transfer of certain territories from Bihar to West Bengal and for matters connected therewith, was referred, having been authorised to submit the report on their behalf, present their Report, with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in the Lok Sabha on the 16th July, 1956. The motion for reference of the Bill to a Joint Committee of the Houses was moved by Shri B. N. Datar in the Lok Sabha on the 25th July, 1956 and adopted on the same day.

3. The Rajya Sabha discussed the motion on the 30th and 31st July, 1956 and concurred in the said motion on the 31st July, 1956.

4. The message from the Rajya Sabha was read out to the Lok Sabha on the 1st August, 1956.

5. The Report of the Joint Committee was to be presented by the 7th August, 1956. The Committee were granted extension of time twice, for the first time on the 7th August, 1956 upto the 10th August, 1956; and again on the 10th August, 1956 upto the 11th August, 1956.

6. The Committee held five sittings in all.

7. The first sitting of the Committee was held on the 2nd August, 1956. At this sitting the Committee had a preliminary discussion on the provisions of the Bill.

8. The Committee considered the Bill clause by clause at the sittings held on the 3rd, 4th and 9th August, 1956.

9. The Committee considered and adopted the Report on the 10th August, 1956.

10. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

11. *Clause 3.*—The Committee are of the opinion that the State of West Bengal should be a geographically compact area and that there should be a link between the districts of Darjeeling, Jalpaiguri and

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Cooch Bihar and the rest of the State. The areas of Purnea district which are sought to be transferred by original sub-clauses (a) and (b) of clause 3(1) do not provide the necessary link between Darjeeling in the north and West Dinajpur in the south. After taking into account all the relevant factors, the Committee have come to the conclusion that the area to the east or to the north, as the case may be, of the national highway in the Kishanganj subdivision and the Gopalpur thana should be transferred to West Bengal. The boundary line should be generally 200 yards to the west of the highway connecting Dalkola, Kishanganj and Chopra with Siliguri and 200 yards to the south or south-east of the highway connecting Dalkola and Karandhigi with Raiganj in West Dinajpur district.

The proposed arrangements should not however result in the splitting up of the town of Kishanganj which should continue to form part of Bihar. In the case of the Kishanganj municipal area, therefore, the proposed boundary between Bihar and West Bengal should follow the eastern limits of the municipal boundary of Kishanganj town. The Committee further recommend that in consequence of these arrangements, the national highway passing through the Kishanganj town should be suitably realigned so that the eastern portion of this highway may run alongside of the municipal boundary.

The clause has been redrafted accordingly.

The Committee consider that the existing road connecting Jamshedpur and Dhanbad should be declared to be a national highway after such realignment, if any, as may be found necessary or convenient, and that this highway should thereafter be maintained by the Central Government.

The Committee's attention has been drawn to the recommendation of the States Reorganisation Commission contained in paragraph 653 of its report that the language, culture and interests of the inhabitants of the area proposed to be transferred in the Purnea district should be safeguarded. The Committee have particularly noted the Commission's view that there is no scope for the settlement of refugees in this area. The Chief Minister of West Bengal has already given an assurance to the effect that the recommendations made by the States Reorganisation Commission in regard to the safeguards for this area will be implemented. The Committee hope that adequate steps would be taken to give effect to this assurance.

12. *Clause 9.*—This clause has been redrafted, partly in consequence of the changes made in clause 3, and partly to make the provision simpler and clearer.

13. *Clause 20.*—The Committee consider that the Governor of West Bengal should be enabled to authorise during the rest of the current financial year such further expenditure as may be necessary on account of the transferred territories. The clause has been amended accordingly.

14. *Clause 26.*—This clause made no provision in respect of investments in any special fund the objects of which are confined to the transferred territories. The clause has been expanded suitably to provide for the same.

15. *Clause 32.*—This clause has been amended to make the intention clear.

16. *Clause 40 and New clause 41 (Original clause 40).*—These clauses have been substituted for the original clause 40 in order to make the intention clear.

17. *Clause 44 (Original clause 43).*—The changes made in this clause are of a drafting nature.

18. *Clause 47 (Original clause 46).*—This clause has been amended to provide for a reference to the High Court as such, instead of the Chief Justice.

19. *New clause 48.*—This clause has been inserted in order that a pleader entitled to practise in any subordinate courts in the transferred territories may continue to practise in these courts for some time after the appointed day.

20. The Joint Committee recommend that the Bill as amended be passed.

NEW DELHI;

The 10th August, 1956.

GOVIND BALLABH PANT,

Chairman,

Joint Committee.

Minutes of Dissent

I

It is with regret that I write this minute of dissent.

2. The people of Bengal who had made so much sacrifice in the cause of freedom expected that they would be treated with fairness and justice on this fateful occasion. They have been disappointed.

I do not like to use language which may accentuate provincial feelings or parochial passions. Bengal is being practically treated as an Oliver Twist. It is unfair to charge the people of Bengal as "Land grabbers".

3. Bengal had been partitioned like Poland at least three times in her history. The case of Bengal is not on all fours with that of any other State in India. With each partition Bengal has been losing territory. From an area of over 1,00,000 sq. miles West Bengal has shrunk to an area of about 30,000 sq. miles. Bengal lost more than 50,000 sq. miles at the last partition as the result of the Radcliffe Award and that is the price she had to pay for India's freedom.

4. It was the demand of Bengal that the Bengali-speaking areas which had been its integral parts should be restored to her. When the partition of Bengal was annulled, Bengal was deprived of the Bengali-speaking areas just to render it a Muslim-majority Province and these were tacked on to form the new Provinces of Bihar and Assam. It was the old Imperial game to create cleavage between communities and provinces and to disrupt the organic unity of a linguistically and culturally integrated people.

5. The misfortune of West Bengal to-day is that she is the smallest Part A State in the entire Indian Union, and that at a time when Liviathan States are being maintained and planned elsewhere. Bengal was subjected to a series of calamities in recent times, the famine of 1943, the Direct Action riots of 1946, the colossal carnage at Noakhali, Dacca and lastly, the continued and never ending influx of lakhs of Hindu refugees expelled from the State of Pakistan. All these catastrophes upset the foundations of social, economic and cultural life of the people of Bengal and plunged them in utter misery.

6. The economy of the State has been very much affected by the severances of the sources of raw material from the places of manufacture creating an imbalance between agriculture and industry.

This was very forcefully pointed out by Dr. B. C. Roy, the Chief Minister of West Bengal, in the recent debates in the Bengal Legislative Assembly.

7. In 1911 the Indian National Congress adopted a Resolution moved by Sir Tej Bahadur Sapru for the return of Bengali-speaking areas to Bengal. Early in January 1912 the Congress Resolution was endorsed by five prominent Bihar leaders who categorically mentioned the Bengali-speaking areas, namely the whole district of Manbhum, the Dhalbhum pargana of the district of Singbhum and the Bengali-speaking areas of Santhal Parganas and Purnea.

8. Thus from the time of Curzon to Mountbatten as a result of calculated Imperialist policy of breaking up and crippling the Bengali-speaking people an attempt was made to destroy their existence as one compact unit. A reversal of that policy and the redress of the wrong done to Bengalis was the historic and moral duty of the Republic of India.

9. It is a matter of regret that justice has not been done at all to the people of Dhalbhum or to the Bengali-speaking people of other Districts. On the other hand, the whole of the Manbhum District has not been conceded to Bengal. According to the report of the S. R. C. the mother tongue data of 1951 Census were challenged by both Bengal and Bihar. Therefore, if one goes by the 1931 Census the Bengali-speaking people in the whole of Purulia Sub-Division of the District of Manbhum was over 81 per cent. Yet the whole of that Sub-Division has not been given to Bengal. It is amazing that the Hindi-speaking people in that Sub-Division had gone up to 707 per cent. over 1931 Census figures and it has been described as a "Biological impossibility". According to the 1931 Census, the Bengali-speaking people were the largest group in Dhalbhum including Jamshedpur. If Jamshedpur was excluded the ratio was much higher.

10. We are thankful for small mercies. But in fairness to the claims of West Bengal, we should only point out that it was neither extravagant nor prompted by any anxiety to grab any territory unfairly. Bengal and Bihar have been linked together by the closest ties for centuries past and nothing should be done to create artificial cleavage or bitterness.

11. The West Bengal Congress and other political parties in Bengal asked the S. R. C. on very cogent grounds for an additional area of about 16,000 sq. miles from the contiguous States. Unfortunately, the recommendations of the Commission fell far short of Bengal's basic minimum demand. They proposed to transfer only a portion of Kishanganj Sub-division and a portion of Gopalpur Revenue Thana and the Purulia Sub-Division of the District of Manbhum

excluding Chas Thana. That meant only a transfer of an area of about 3,800 sq. miles. Due to the unfortunate surrender by West Bengal Government the Government of India whittled down these proposals made by the S.R.C. and on the 16th of January 1956 the Government of India announced a decision to exclude about 600 sq. miles comprising the Chandil Thana and Patmā Police Station of Barabhum Thana.

12. Thus the modified decision covered an area of approximately 3,200 sq. miles and that was incorporated in the Bill that came up for consideration of the Select Committee.

13. We regret that even this small territory has been further reduced. The S.R.C. Report clearly pointed out that the present distribution of territories between Bihar and Bengal was such as to give rise to real administrative difficulties from the point of view of the West Bengal. The Commission attached great importance to geographical compactness of administrative units. The physical integration of such units is vital to real political and administrative integration. The Commission also pointed out that there were separatist tendencies in the northern areas and physical as well as political integration was essential. Bengal is interested in protecting the border from Pakistan infiltration and in preventing commodities from Bengal from being smuggled across the frontier into Pakistan. The recommendation of the Joint Committee omitting Kisharganj town and other areas will make the integration difficult and dubious.

14. It is disappointing that justice has not been done to the Bengali-speaking people of Dhalbhum and the excluded Thanas of Manbhum and other areas as indicated above and they suffer from various grievances and handicaps. It is still more disappointing that in spite of the clear demand of the West Bengal legislature and the West Bengal Government the boundary in the northern sector has not been drawn along the Mechi River. Dr. B. C. Roy, Chief Minister of West Bengal, put the case very clearly that it was essential in order to provide for the missing link. It was also necessary to facilitate communications both by road and by rail. The Joint Committee has chosen to put the boundary along the National Highway. It was the definite recommendation of the S.R.C. that the control of the Highway should vest in the West Bengal Government. In order that effective control over the highway which runs close to the Pakistan border may be exercised by the West Bengal Government, it is essential that a further area to the west of the highway should be transferred to West Bengal.

NEW DELHI:

N. C. CHATTERJEE

The 10th August, 1956.

II

The Bill was very thoroughly discussed by the Joint Committee. Conflicting statistical data were produced by representatives of Bihar and Bengal. It was explained that the transfer of territories in Purnea was entirely based on administrative convenience to make a compact State; while the transfer of territories in Manbhum was due to linguistic considerations coupled with the development of Kasai River. With respect to the area west of district board roads, emanating and converging on Purulia town from the west it was argued that as it was catchment area of the river Kasai, it may be required for river development purposes. This area is mainly inhabited by non-Bengali speaking people and is vital to Bihar to give road link from Dhanbad coalfields to Jamshedpur where over 300 lorries move every day from north to south.

The whole Bill seems to me a make-shift arrangement. The pride of Bihar has been hurt without satisfying that of Bengal. It does not solve the urgent problem of West Bengal to rehabilitate nearly 50 lakh refugees who have come from East Bengal. Some sparsely populated area of nearly 6,000 sq. miles is badly needed by West Bengal to rehabilitate at least 50 per cent of the refugees who have poured in.

There was an easy solution of this problem by taking some parts of eastern districts of Bihar adjacent to Bengal and compensating Bihar by giving some parts of eastern district of Madhya Pradesh adjacent to Bihar. The hon. Prime Minister described the new Madhya Pradesh as a monster when it emerged from the S.R.C. report. Yet no steps have been taken to reduce its size. The Government is not tackling the problem correctly and is creating unnecessary difficulties for the country. Madhya Pradesh is economically poor and it cannot develop the vast area of 170,000 sq. miles. At least 30,000 sq. miles should have been taken away from its north-eastern, eastern and south-eastern districts and given to Bihar, U.P., Orissa and Andhra on linguistic basis. Bihar should have got large part of Surguja and Raigarh Districts which formerly belonged to Bihar. If Bihar had got nearly 12,000 sq. miles of Hindi-speaking territory from Madhya Pradesh, Bihar would have agreed to give to Bengal the following territories for rehabilitation of refugees and other administrative conveniences:—

(1) In Purnea, that portion which is recommended by the majority report of the Joint Committee except that I would like a new highway to be constructed connecting Gopalpur Thana with a point on

the existing highway north of Kishanganj town, the total area of transferred part being about 700 sq. miles.

(2) That part of Manbhum which will be east of the new highway to be constructed by connecting the district board road in Chas R. Thana with that in Chandil R. Thana, the area of transferred territory being about 1,800 sq. miles.

(3) A large part of Santhal Parganas connecting a border point north of Asansol with a point where the boundary takes a turn towards the east, the area being about 6,000 sq. miles. Thus, Bengal would have got nearly 8,500 sq. miles which would have given it administrative convenience and land for rehabilitation. Bihar would have got nearly 12,000 sq. miles on its western border from Surguja and Raigarh districts. The Jharkhand people would have been united under Bihar. I do not want to advance the many arguments in favour of my suggestions, as they are well-known. I hope the Parliament will modify the recommendations of the Joint Committee as per my suggestions.

NEW DELHI;

KISHEN CHAND.

The 10th August, 1956.

III

Wishes of the Legislature and the People

The Bihar Legislative Assembly has, almost by a unanimous vote (except the six members of the Lok Sevak Sangh), rejected the proposed transfer of the territories from Bihar to West Bengal, as provided for in clause 3 of the Bihar and West Bengal (Transfer of Territories) Bill, 1956. It was Bihar which was vitally affected by this bill, as it was Bihar which was to lose its territories, and to ignore the practically unanimous decision of Bihar Assembly was not a proper and prudent thing to do. It has set a bad precedent and is against the spirit of the Art. 3 of our Constitution.

The decision is against the manifest wishes of the people, proposed to be transferred, which is evident from the following facts:

(1) The Lok Sevak Sangh which is today advocating the transfer (it may be noted, however, that they never fought the last general elections on this issue) secured only 33% of the votes polled in the Sadar Sub-division of Manbhum (proposed to be transferred), and out of their seven M.L.As. from Manbhum Sadar one has made public declarations that he did not support the transfer.

(ii) In a bye-election held in May, 1956 to the Bihar Legislative Assembly from Para-cum-Chas constituency in Manbhum Sadar the Congress candidate who won the election and another independent candidate—both of whom were against the transfer of territories—together polled 15,899 votes as against 5,998 votes polled by the Lok Sevak Sangh's candidate advocating the transfer. In Para (the area proposed to be transferred) 4,260 votes were cast in favour of the two candidates against the transfer, and 710 votes only were secured by the candidate in favour of the transfer.

(iii) Almost every Gram Panchayat (statutorily elected on adult franchise) both in Purnea and Manbhum districts, has passed resolution opposing the transfer, which virtually amounts to a voluntary referendum.

(iv) Thousands of people have courted arrest while offering peaceful Satyagrah against this decision.

(v) A memorandum signed by 3 lakhs people of the Purnea district opposing the transfer has been presented to the Chairman of this Joint Committee. A similar memorandum signed by lakhs of people of Manbhum Sadar was submitted to the S.R.C. when the Commission visited Purulia in February, 1955.

The S.R.C. has laid great emphasis that the wishes of the people be respected in the matter of re-organisation of States or re-adjustment of boundaries between two or more States (*vide* paragraphs 221, 223, 293, 323, 360, 363, 382, 397, 429 and 430). In a democracy, the wishes of the sovereign people must be the decisive factor. The only course open, in the face of the bitter opposition and controversy, was to ascertain the wishes of the people, affected by the proposed transfer, by means of a plebiscite under the aegis of the Central Government. I regret this suggestion was not acceptable to the Joint Committee.

Linguistic Considerations

The transfer was not recommended on linguistic considerations by the S.R.C. which in paragraph 665 stated that the Bengali-speaking people in the rural areas of Purulia were 55%. It has, however, now been established that the Bengali-speaking population was only 30.8% (and NOT 55% as known to S.R.C.) by a village-wise resorting of the census slips by the Home Ministry of the Government of India.

The transfer, therefore, cannot be justified on linguistic grounds, and grave injustice is being done to Hindi-speaking people who are in a majority of 79% to 43% in most of the Police stations.

The S.R.C. has laid down the principle that, unless there was 70% majority of one language group it was wrong to call it unilingual, and it must be considered as bilingual. Therefore, Kolar district (with 54% Telugu population) was not transferred from Mysore to Andhra, because of the long standing economic ties of Kolar with Mysore. Manbhum and Kishanganj have long established economic and geographical ties with Bihar, but even then this wholesome principle has been ignored in this case.

Geographical compactness and administrative convenience

The transfer of Kishanganj in Purnea district is sought to be justified on geographical compactness and contiguity between North and South Bengals, and to ensure administrative convenience. To claim a corridor within Indian Union, by any State, is to strike at the very root of national solidarity and unity; and such a claim by a component within a Union is unknown in the annals of history. The two Bengals are linked by Indian Railway and National Highways—managed and controlled by the Union Government. The transport and communications between them have been carried on without let or hindrance. To put forward such a proposition in spite of this is beyond my comprehension—to say the least.

Then, what holds good for Bengal should hold good for Bihar. The transference of Manbhum Sadar will create similar problems for Bihar. The road and rail link between Dhanbad and Jamshedpur, Muri and Ranchi (the vital artery of communications between the industrial areas of Bihar) will be disrupted; and for quick delivery the transport of vital raw materials and fuel between the mines and the consuming factories in Bihar will have to pass through Bengal. The Joint Committee failed to reconcile this contradiction inherent in the proposed transfer of the two territories.

It can be argued with equal force that there was enough justification for the transfer of North Bengal districts to Bihar, as there was greater linguistic and cultural affinity between them and Bihar. Darjeeling before 1912 formed an integral part of the Bhagalpur Division in Bihar. On the other hand 97% of the Kishanganj population proposed to be transferred speak Hindi or Urdu who have nothing in common—linguistically, culturally or socially with the people of West Bengal and who are bitterly opposed to the transfer. Even S.R.C. was conscious of this fact and have recommended for cultural and linguistic safeguards for the Muslim population who form a major portion of the population to be transferred.

To Facilities Implementation of Flood-Cum-Irrigation Projects

S.R.C. mainly recommended transfer of Manbhum Sadar to facilitate the implementation of flood-cum-irrigation project of West Bengal on the river Kasai, and to give its catchment area to West Bengal. It is a dangerous precedent and proposition to concede transfers on the principle of control of the catchment area of rivers. India is a continent, and almost all her important rivers are inter-state-rivers and hence we have enacted a central measure to ensure coordination in the execution of river valley projects. The reorganisation of States on the basis of catchment areas will produce fantastic results and lead to numerous disputes and difficulties. The catchment area of Kasai is only 1463 sq. miles whereas it is proposed to transfer about 2400 miles in Manbhum which includes 700 sq. miles of the catchment area of Subranrekha on which Bihar has important project and for which Bengal has no use.

As regards the implementation of flood-cum-irrigation projects the same could be managed under the authority of Damodar Valley Corporation which is operating in that area, and for which purpose there was no necessity of the proposed transfer of territories.

Financial Stability and Resources of the Two States Compared

It is often suggested that West Bengal had been crippled and rendered poor by the partition in 1947. It is not tenable when we look at the facts. Bengal to-day is much more prosperous and advanced than Bihar.

Undivided Bengal's revenue was Rs. 44 crores and population 60.8 million; and after partition West Bengal was left with a revenue of about 31 crores, and a population of 21.8 millions. Thus the per capita revenue was doubled as a consequence of partition, and West Bengal emerged a much stronger unit economically and financially after partition.

Comparative Figures

Item	West Bengal	Bihar
Average cultivated land for Agriculturist	0.83 acre	0.64 acre
Population dependent upon Agriculture	57%	86%
Per capita Revenue	Rs. 15/-	Rs. 8/5/-
Per capita Expenditure on Social Service	Rs. 5/-	Rs. 2/-
Per capita Development expenditure	Rs. 7/5/-	Rs. 4/-

Problem of Refugee Rehabilitation

This problem cannot be eased even, what to say of being solved by the proposed transfer. The S.R.C. wants a guarantee to be given that refugees would not be settled in Kishanganj—a densely populated area (*vide* para 653). The density of population in Manbhum being higher (namely 552) than Bankura (498) the Manbhum area cannot also be used for such resettlement.

Rehabilitation of refugees is a national problem, and their resettlement has been decided to be spread over all the Eastern States of India. Bihar has already resettled about 75000 refugees and has offered to take another 50000 persons. Bihar is the only State which has offered cultivated and rich land for their immediate resettlement.

So far as the financial burden is concerned, it is entirely borne by the central exchequer and West Bengal is not required to meet a single pice on that score. In the case of the rehabilitation of West Pakistan refugees, on the other hand, half the expenses were borne by the States and half by the Centre.

This problem is being tackled on an all India basis and the proposed transfer will definitely hinder rather than help the solution of the refugee rehabilitation.

Will this Bill end the dispute between Bengal and Bihar?

West Bengal has made a claim for 11,000 sq. miles of territory on Bihar. The Chief Minister of West Bengal, while replying to the debate on this Bill in West Bengal Legislative Assembly has stated at page 121 in respect of the demand of 11000 sq. miles on Bihar:—

“It is not correct to say that we have withdrawn our original demand.....It does not mean that we have given up our ideas regarding our demand for the areas that we have asked for.”

Again at page 124 the Chief Minister of West Bengal states:—

“The only question is the pace and the time when the further instalment of our demands may be made and achieved.”

This Bill, is, therefore, not going to solve the problem and will only provide the starting point for fresh dispute. It is going to what the expansionist desire of Bengal, and it will give fresh impetus and encouragement to their demand.

In view of the reasons stated earlier, I have been of the definite opinion that the Joint Committee should have rejected the proposal for the transfer of territories from Bihar and thus given a quietus to the expansionist tendencies of West Bengal. The Commission had already rejected West Bengal's claim on other territories for good and valid reasons. It is unfortunate that it did not appreciate the strength of logic and reason in respect of the territories now proposed to be transferred from Bihar. As I have said earlier, it is the wishes of the people affected by the transfer which should be the decisive factor in any scheme of re-distribution of boundaries between two States. And in this particular case the wishes of the people are definitely opposed to the transfer. If, however, the Joint Committee had any doubt on this score they should have recommended a plebiscite to be taken in the areas concerned before the transfer was made.

Suggestions were also put forward to put the areas proposed to be transferred, either under the joint control of the two States, or under the control of the Union for certain specified period. But the suggestions did not find favour.

For the reasons given in the foregoing paragraphs, I append my note of dissent. I am opposed to any transfer of territory without ascertaining the will of the people affected by the proposal.

NEW DELHI;
The 10th August, 1956.

RAJENDAR PRATAP SINHA.

IV

The re-organisation of States through two Bills, instead of one, has robbed Parliament of grappling with the problem simultaneously. The problem, in consequence, has had to be dealt with in two water-tight compartments. The rightful claim of Bihar from Orissa of Mayurbhanj, Keonjhar, Bonai, Bamra and Raj Gangpur, and, from Madhya Pradesh of Surguja, Jashpur, Udaipur, Chhambhakar and Korea has been ruled out in the first Bill. In this, the second Bill, Bihar is asked to surrender to West Bengal whatever is asked of it in the name of national interest. It is not a question of any compromise between West Bengal and Bihar. West Bengal is not asked for anything; Bihar only must be made to give whatever West Bengal demands!

I cannot be a party to the recommendations of this Bill. They introduce, for the first time, the monstrous idea of a State in the

Republic of India demanding a corridor! Logic and the national interest are thrown to the winds to pander to the menace of leftist radicalism. When it suits the Union Government, it invokes the findings of the States Re-organisation Commission, but, otherwise, there is little respect for the feelings of the people. The same argument is not used throughout. A "corridor" is imposed in the north and two "corridor" problems are created in the south of Bihar. But, only West Bengal must have the "corridor"! Why should Bihar not have a "corridor" to connect communications between Jamtara and Dhanbad *via* Barakar? Why must Ranchi and Jamshedpur be disconnected from Dhanbad and Patna? Is there any sense in making the communication from Jamshedpur and Ranchi to Dhanbad three times more distant? The suggestion of a national highway between Jamshedpur does not solve the problem. You must have a national highway from Muri to the Chas link also. You cannot solve human problems by looking at lifeless maps. The States Re-organisation Commissioners forgot to take the Jharkhand hills into account. As the crow flies, Jamshedpur is only fifty-odd miles from Ranchi, the summer capital of Bihar, but, you must travel more than a hundred miles to get there because the hills are there.

West Bengal has made much of its plans and projects for the development of the Kasai. The sooner we forget the demand for the catchment areas of rivers the better. Bihar will have to demand vast tracts in Uttar Pradesh and Madhya Pradesh, if we have to think in terms of this. The Damodar Valley Corporation is operating in Manbhum. Remove the territorial aggrandisement of West Bengal by asking the Corporation to undertake the Kasai projects. Why is more than the catchment area sought to be handed over to West Bengal? The linguistic plea having failed, the catchment argument is brought in!

Why should Jhalda be in West Bengal when its life-blood, lac, is grown outside it?

Ever since independence, attempts have been made to disintegrate the tribal tracts, India's most ancient millions, India's children of the soil. The Princely States of the Chhota Nagpur Agency were gifted away to Orissa and Madhya Pradesh to weaken the Jharkhand claim. The Raj Kharsawan massacre followed, the Mayurbhanj satyagraha and a host of other protestations.

The only way to face the Adivasi problem is to consolidate Adivasis as far as this can be done and not to disintegrate them into weak units here and there. Why should the Santhals be distributed between Bihar, Bengal and Orissa?

Formation of a separate State for the Jharkhand area is the obvious and only answer to the human problem of the Bengal tableland. The Chhota Nagpur Plateau should be treated as a whole, whether it remains in Bihar or goes back to West Bengal or to Orissa. The human and industrial development of the Jharkhand area will suffer a setback, if the proposals of the Bill are accepted.

The Bihar Legislature has almost unanimously rejected the Bill. The last General Elections gave the people of the affected areas an opportunity to give their reactions. In the affected southern sector, they voted overwhelmingly against transfer to West Bengal. 1,66,306 voted for transfer to West Bengal and 3,15,212 voted against it!

The best solution, to my mind, is to merge Bihar and West Bengal. I would like to see Orissa included in the merger. Why must we in Parliament permit West Bengal leaders to abandon the merger idea? The sure and certain remedy of a frontier province is to make it big and strong. Merger is the answer to all frontier problems and the demands of the defence of the realm. You cannot solve the problem of refugees from East Bengal by the present suggestions. Why should Bihar bear the entire burden of the rehabilitation of refugees from East Pakistan?

The Bill should be dropped.

JAIPAL SINGH

NEW DELHI;
The 10th August, 1956.

V

I intend to make the following observations both in relation to the S.R.C. report and clause 3 of the Bihar and West Bengal (Transfer of Territories) Bill, 1956.

Congress no doubt committed itself to the reorganisation of states on linguistic basis with a view to procure better amenities to the people, convenience to the administration and also for creating congenial atmosphere for all concerned. But it was open to consideration and reconsideration after independence according to situation and circumstances prevailing in the country. The proposal is fraught with dangers and I reiterate, it is still inopportune to proceed with it for the following reasons:—

Firstly, our country to-day is faced with many-sided problems and is proceeding with various development plans and projects which demand peaceful working both of the administration and the masses.

The execution of the commission's report will retard their progress and create unnecessary tension.

Secondly, it would upset the economy and planning of the country on the whole and the states in particular who have been working on their projects at the present level.

Thirdly, the centre too will have to change its allotment, aid or even working programme of the Five-Year Plan due to such adjustments and re-adjustments.

Fourthly, the report of the Commission itself is self-contradictory so far Purnea and Manbhum lands are concerned. If linguistic affinity is the consideration or criterion, the majority population of the parts to be transferred does not speak Bengali and is not willing to part from Bihar. Also the administrative facilities to Bengal at the cost of administrative problems of Bihar seems to have no meaning. It would amount to robbing Peter and paying Paul, I may be excused to observe.

Fifthly, the demand of the West Bengal as supported by the Commission for a corridor is wholly unjustified and unconstitutional and establishes a bad precedent. Bihar and Bengal are neighbouring states of the same union and our Constitution guarantees freedom of movement from one state to another without the least hindrance.

Sixthly, the maintenance of good relationship between the two neighbouring states and their population is more important than the transfer of a portion here and there. I believe the aforesaid transfer does impair it.

Seventhly, the wishes of the people sought to be transferred have not been ascertained either by a plebiscite or by any other democratic method. It is a denial of our democratic belief to which we are constitutionally wedded.

Apparently there exists a tense situation on account of transfer proposal. The four lacs signatories of the memorandum who hail from the area sought to be transferred as well as the almost unanimous verdict of the Bihar Legislature rejecting the Bill also bear testimony to it and which demand serious consideration.

In the circumstances it was desirable that the principle followed in solving the problem of Gujarat and Maharashtra should have also been applied in Bihar's case. And the earlier proposal of Bihar-Bengal merger with Orissa, if necessary, would have been revived,

or

(ii) the portion sought to be transferred should be centrally administered for a period of two years and the wishes of the people ascertained after the said period, or

(iii) the present Bill be postponed for sometime to allow a breathing space to the two states to reach an agreement without affecting their historical relation which is so essential for any sensible working, between the two states as well as for maintaining the bond of unity between them in the greater interest of the country on the whole. If the present arrangement as provided in the Bill is accepted by the Parliament it would be a national tragedy, I humbly submit.

NEW DELHI;

SHAH UMAIR.

The 10th August, 1956.

VI

I am unable to share the views as recommended by the Joint Committee as regards Part II of the Bill. Purulia sub-district in the District of Manbhum to be transferred on the ground of containing the course of a river in one State is not a sound principle. Transferring the area on the so-called better implementation of the Kasai project is indefensible, specially when it is obvious from the pattern of the Damodar Valley Corporation and Mayurakhi Project that the transfer of the area from one State to another is not necessary at all.

Schemes can be implemented without any disturbances in the boundary by entrusting the projects to D.V.C.

The recommendation is further discriminatory in adopting one principle for administrative convenience in the north while giving direct link from Malda and Dinajpur to Jalpaiguri and Darjeeling, while the same principle is being ignored by truncating the link between Dhanbad and Jamshedpur, Muri and Dhanbad and Muri and Jamshedpur. It is further against the spirit of the Constitution to provide corridors.

I would make the following suggestions on administrative and other grounds that the Division of Chota Nagpur, the district of the Santal Parganas, Banka Sub-Division in the district of Bhagalpur, Jamui Sub-Division in the district of Monghyr be transferred to West Bengal.

NEW DELHI;

BENJAMIN HANSDA.

The 10th August, 1956.

VII

Though I support the proposition made in the Bill and endorsed by the Joint Committee with a very slight and miserly improvement it has made upon the Bill, which has sanctioned two small tracts of territories to be amalgamated with West Bengal, I lodge my sincerest protest against the exclusion, from the purview of the Bill, of all other territories which are inhabited by the Bengali-speaking population in a majority but which have yet been left to be under the jurisdiction of the Bihar administration, for no reasons whatever, from the point of any principle that should, I humbly think, guide the reorganisation of States. Hence I send this minute of dissent.

We legitimately asked for more than ten thousand square miles with a population of more than 5 millions to be included into Bengal. We did so on linguistic principle. We did so on other considerations also. We demanded nothing more than what belonged to her historically, politically, culturally and socially and even ethnologically and not to speak of linguistically. But we have been given only a chunk of territory of 3 thousand square miles out of our demand for ten thousand square miles of Bengali-speaking territories lying at present in Bihar!

The Congress is pledge-bound to return these territories of West Bengal in order to rectify the injustice done by the British Government which wanted to break the backbone of the Bengalee race and the uniting force of the growing nationalism by that, by dividing into parts the cultural and linguistic land of the Bengalees and by creating Bengal a Muslim majority province with a view to pursue a "divide and rule" policy of their Imperialistic game. The then Congress rose to a man to protest against this insolence of power; and made a pledge that, when their day would come, they would undo the wrong and the injustice, which was done, not only to Bengalees but to the whole of India. That day came, but their followers who are to redeem their pledge did fall far short of their duty to redeem that pledge; and it has failed to stand them in good stead before the verdict of history.

The demand for the transfer of all these territories is a historical one. Nobody ever had and can have any doubt about the linguistic character of these places. But interested quarters picked up quarrel on the basis of baseless figures concocted by them. They have done it against reality and truth. The authorities concerned took it as a battle between oath against oath. But they never cared to verify the truth which was as easy to do as anything. Serious charges were made by responsible quarters against the

State and the Census authorities concerned, of gross manipulations and corruptions with regard to statistical figures relating to the people of all those Bengali-speaking areas in Bihar. But it is highly regrettable that, prior to coming to any decision, no steps to investigate into the charges were made, which was urgently necessary for the vindication of the prestige of the administration or for the protection of the civic rights of the peoples concerned.

So decisions have been taken, I am extremely sorry, in a haphazard and clumsy manner, without ascertaining what were the clear and real position of the vital facts upon which decisions were supposed to have been taken and on no principles whatsoever that can withstand a just and cogent criticism. Things have been done in a manner of bargaining and give-and-take, unworthy of a national reorganisation which is supposed to be made on broad and equitable and sound principles which are completely wanting in this case.

We submitted before the S.R.C. all the materials which were sufficient to prove to an impartial judge that these territories are completely Bengali-speaking areas. I am ready today to prove to the hilt that these areas are Bengali-speaking in any sense of the definition of a Bengali-speaking area. In spite of that, our demands have been turned down, by the Joint Committee which did not think it necessary to consider the application of the linguistic principle with regard to this case; nor did it think necessary to verify the truth about the controversial data which was extremely necessary for coming to a proper decision.

Now I am going to show what was our demand and why the application of the linguistic principle was necessary in our case and how our case has suffered on unequal treatment in this regard; and also what are the self-evident facts that reveal the real linguistic position of the places which we claim to be Bengali-speaking areas; and also I am going to show as I did before the Select Committee, how baseless are the facts that are being advanced to counteract our linguistic demands. I demand the inclusion in West Bengal of such territories which are inhabited by the Bengali-speaking people in an overwhelming majority, such as:—

- (i) the whole of Dhanbad Sub-division;
- (ii) the whole of Dhalbhum Sub-division;
- (iii) from Santhal Pargana District:
 - (a) Jamtara Sub-division;
 - (b) Pakur Sub-division;

- (c) Rajmahal Sub-division excluding Sahibgunj Thana;
- (d) South Dumka of Dumka Sub-division; and
- (e) Karo Taluk in Deoghar Sub-division and such other areas which are Bengali-speaking in the Sub-division; and
- (iv) such other Bengali-speaking areas of Purnea, east of the Mahananda and Mechi rivers as have not been included in the clauses (a) and (b) of Sub-section (1) of this section; and
- (v) such parts of Purulia Sub-division which have not been included in the Bill.

It has been amply proved that these are over-whelmingly Bengali-speaking areas. The Congress in 1911 and some of the then foremost leaders of Bihar categorically stated that they were Bengali-speaking areas and that they should go to Bengal. From all the censuses excepting 1951 (which has been established to be untenable), this truth will be realised, and it is more so when the position of the subsidiary language of the bi-lingual tribal people therein is taken into consideration. And, the reality, that is the state of affairs in the life of the people concerned, is there to justify this contention, and I have exposed before you, and I am ready to establish that the figures of 1951 census regarding Manbhum and other Bengali-speaking areas in Bihar are thoroughly manipulated and cooked up and the census concerned is a piece of sheer forgery and nothing else.

There are numerous charges of corruption and coercive tactics in this regard against the officers who worked in the census operation under the Government of Bihar. And I was and am ready to prove the truth of the same. But no investigation was made, despite our repeated requests. Now a Language Handbook has been published by the Census authorities in Bihar which contains the result of a re-examination of the enumeration slips of 1951 census relating to Sadar Manbhum. I can strongly assert that the figures for any village in the whole of Sadar Manbhum is fully fictitious and completely concocted. I cannot help citing the figures of my village as an instance. In the village of Jitan, according to that Handbook, out of 402 people there are 305 Hindi-speaking, 88 Santhali-speaking, 8 Mundari-speaking and no Bengali-speaking, persons. But the thing is just the reverse. Each and every person including myself is Bengali-speaking and there is not a single soul who is Hindi-speaking or Santhali or Mundari-speaking there. Yet such absurdities are allowed to be happen, unchecked in the free country of ours!

In spite of all these facts before us, an intensive and continuous false propaganda is being made by interested parties that these territories are Hindi-speaking areas. Though there is nothing which can reasonably justify the verification of so palpable a matter—the linguistic position of the people concerned, yet I was and I am ready that this may be verified for the sake of ending the controversy, and for that reason, my proposal was that these territories will be a part of West Bengal on the expiry of six months from the appointed day within which suitable steps be taken to ascertain if there are any portions of place which can legitimately be called Hindi-speaking; and that such parts will be omitted from the list of territories which shall go to West Bengal.

For this purpose as mentioned above, I propose that let there be a thorough re-examination of the linguistic position of the territories concerned and the demarcation of the boundaries therein, by a suitable body, helped by the fact-finding Committees, all set up by the Government of India, conducted in a manner prescribed therein, within the specified date on which the territories shall be a part of West Bengal.

From what has been done with regard to the re-organisation of States in India, it is crystal clear that practically all changes that have been made with regard to the reorganisation of States or readjustment of boundary, have invariably been made, explicitly or implicitly, on linguistic considerations—whether made by the S.R.C. or by the Government of India. The whole surface of the map of South India has thoroughly been changed on the linguistic principle and the linguistic principle alone; and all other considerations such as financial and that of security etc., had no difficulty to be in concord, at once, with the linguistic principles adopted therein. It is so with the entire map of the North India also. Big States have been created there on linguistic principle alone.

On the other hand, the creation of a so-called bi-lingual province of Maharashtra and Gujarat also is an evidence of the linguistic approach. Only, the respective linguistic territories have been taken out from the map, so that they will be able to retain their respective linguistic character and all the facilities that a linguistic State can give, in the so-called composite state of theirs. It is nothing but a union of two linguistic states and the linguistic principle has been adopted therein in a roundabout way. And we have never ventured to have multi-lingual States, as the linguistic principle, knowingly or unknowingly, guides our path.

So it is evident that practically all the States in the whole of India excepting in the Eastern zone, have been reorganised on linguistic basis. There may have been one or two exceptions. Yet

in such cases also the decisions have considerably been influenced by the implied linguistic considerations. In the case of West Bengal, where legitimate linguistic demand has been sought to be bypassed, some portions of territories have been readjusted, no doubt, by giving stress on some plea or other for the justification of the same; but it was done only when the linguistic character of the said territories was there and the linguistic considerations were implied.

So it is no use denying the reality and the necessity that has justly given rise to this linguistic demand of ours. Surely we have to see that the linguistic consideration does not come in conflict with other considerations that are vitally related to greater interests of India, such as security of the country etc. But it must be remembered that this demand for linguistic principle in the reorganisation of the States, which is the outcome of a real and vital necessity in the life of the people should not be suppressed by raising bogey of linguism or the like.

With this background of the proposed reorganisation of our country as our example before us, I demand that all the Bengali-speaking areas in Bihar should also be given the opportunity to be in the State of their linguistic affinity. There is no reason why they should not be treated so, when this change would bring in for them the rapid progress and the development that are only possible in an atmosphere of linguistic affinity and when this change would also be perfectly desirable from the points of all other considerations besides linguistic.

There will be immense administrative convenience for both the administrators and the administered because all their work will be conducted in their mother-tongue and because both of them will be of the same language. At present the people of those Bengali-speaking areas are in great difficulties and bear immense hardships due to their being in a State which is not a State of their linguistic affinity. This difficulty can be easily removed by transferring them to West Bengal which is contiguous to them.

By transferring these areas to West Bengal people will have much more geographical facilities. Oneness of administration brings nearness to each other amongst various parts. These territories have easy geographical ties with the adjoining district of West Bengal, but it is not the case with other parts of Bihar. When this artificial barrier is removed, the geographical ties would have proper scope that is available through administrative ties.

This transfer will also be greatly beneficial to the cultural and social life of the territories as the social and cultural life of these territories are completely the same as in Bengal.

As for the financial and economic considerations there is a very important thing which is to be considered. No State, no territory in India is self-sufficient. So addition or reduction of certain territories is not a deciding factor for any State. The people of any given place should have to explore the potential wealth of the place concerned. Moreover, the formation of the States in our country, existing or proposed, has not been made with any regard for maintaining parity in size or revenue between the States. So it is by no means reasonable to raise the question of financial balance of Bihar, in order to silence the demand for the transfer of these territories to West Bengal; nor the future and progress of so large a number of people can be sacrificed for the sake of an imaginary apprehension or unreasonable opposition made by the intransigent elements.

From the point of security of India, this transfer is also desirable as it would make the State strong which is to stand as a strong frontier by the side of a foreign State.

So from all aspects this transfer is fully desirable.

In all these things, Manbhum has suffered a great injustice in both the decisions in its favour and against. The solidarity of the district has been broken into pieces. The S.R.C. broke the district into three parts going against their own principle regarding a district unit, and denied it the Dhanbad sub-division and a considerable portion from the Sadar sub-division also i.e. Chas Thana. The Government of India increased the number of divisions and took away another large portion, which contains vital areas such as Chandil Thana and Patamda P.S. from the residuary mutilated track, which they inappropriately named as Purulia Sub-district. So Manbhum is going to West Bengal in a mutilated condition and deprived of so many areas of its own.

The S.R.C. at first, divided the district into two parts on a wrong notion that, as a river is flowing between them, these are sub-districts with separate entities. And again it truncated Chas from the sub-division of Purulia on a wrong notion about the geographical position of the places concerned with the opinion that Chas was contiguous to Dhanbad forgetting that the same river was flowing between Chas and Dhanbad to stand in the way of their decision. The decision was made in clear contravention of the principle that the S.R.C. itself enunciated, that the solidarity of a district unit should not be touched, even if any portion of it has a separate linguistic case of its own. Chas being purely a Bengali-speaking area the truncation had no justification on linguistic grounds if it was supposed to have any.

The S.R.C. recommended Chandil Thana and Patamda P.S. to be transferred to West Bengal along with the rest of the Purulia Sub-division minus Chas, but the Government of India decided their remaining in Bihar, without assigning any cogent reason for the same. A weak and anaemic reason has been given that this change has been made to facilitate a water project of Tata Co. That the question of the fate and future of lakhs of people should be subservient to the question of gratifying an individual business company is a proposition not worth considering by any means.

These unwarranted decisions have brought in serious unnecessary troubles in the various aspects of life of these people concerned, such as cultural, educational, administrative etc.

I earnestly want that there should be safeguards for the linguistic minorities in the States concerned—specially for the linguistic minorities of such Bengali-speaking areas which would have to remain in Bihar. Continuously for the last eight years there have been wide agitations to draw the attention towards the charge that the linguistic minorities in the Bengali-speaking areas in Bihar have been and are being systematically oppressed and suppressed by the authorities of the State concerned and the linguistic majority who are acting under the promptings of provincial ill-feeling. So I think it is needful to set up a permanent body which will look to their grievances, investigate into the matters and devise ways and means for remedy and would apprise the Parliament, the Government of India and the States concerned, of their findings and suggestions. And I think that this purpose will not be served by the Zonal Council as envisaged by the States Reorganisation Bill. So my proposal is that a Board shall be constituted with the representatives from the Parliament and the Central Government and the State Governments concerned along with others from the general public, invested with powers provided by legislations adopted by the Parliament and the States concerned, functioning until and unless an All India Organisation is undertaken for the purpose. I think this proposition is worth considering in the context of things that are going on in the country.

So I hope that the members of the Parliament will consider dispassionately and calmly all that I have said and do what is desirable from the point of proper principles that should guide the reorganisation of States in our country.

BHAJAHARI MAHATA

NEW DELHI;

The 10th August, 1956.

VIII

I have read the report of the Joint Committee on the West Bengal-Bihar (Transfer of Territories) Bill and I append this minute of dissent with a feeling of disappointment. In framing the Bill no principle, except what the Government spokesman described as administrative convenience, has been followed and this is responsible for so many lacunae in the Bill. I am sorry to say the joint committee could not improve them.

I am an unabashed protagonist of redistribution of States on linguistic basis. Not only the congress leaders but Mahatma Gandhi also supported this principle. The congress resolutions from year to year, the Nehru Report, the Election manifestos, etc., will bear testimony to this fact. On the eve of his death, Gandhiji rightly said: "The world outside did not know them as Gujaratis, Maharashtrians, Tamilians, etc. but only as Indians. We must, therefore, resolutely discourage all the fissiparous tendencies and behave ourselves as Indians. Subject to this paramount consideration, a linguistic redistribution of provinces should give an impetus to education and trade."

Although neither the States Reorganisation Commission, nor the Government have followed any principle in drafting their recommendations for all practical purposes, except where convenience of big business otherwise demanded, they could not neglect the claim of language. In the case of this Bill, however, in the wilderness of various known and unknown questions, principles clashed against each other and none was left undiluted.

West Bengal only claims the contiguous Bengali-speaking areas, now lying in Bihar. It is necessary to know the history and logic behind this claim.

It was in 1908 that the late Deep Narayan Sinha of revered memory, while presiding over the Berhampur session of the Bengal Provincial Congress, expressed the desire of the people of Bihar to have a separate province. The conference supported it and it may be mentioned here that this was the first demand for a separate province of Bihar.

While annulling the partition of Bengal in 1911, the British rulers wanted to make Bengal a muslim majority province. With that object in view, the Bengali-speaking areas of Bhagalpur division and Chota-Nagpur were not transferred to Bengal. The Governor-General's coronation despatch to the Secretary of State, dated the 25th August, 1911, clearly stated: "The simple rescission

of the partition and a reversion to the 'Status quo ante' are manifestly impossible both on political and on administrative grounds. The old province of Bengal was unmanageable under any form of Government; and we could not defraud the legitimate expectations of the Mahomedans of Eastern Bengal, who form the bulk of the population of that province and also have been loyal to the British Government throughout the troubles, without exposing ourselves to the charge of bad faith. A settlement to be satisfactory and conclusive must:—

- (1) provide convenient administrative units;
- (2) satisfy legitimate aspirations of the Bengalis;
- (3) duly safeguard the interest of the Mahomedans of Eastern Bengal and generally conciliate Mahomedan sentiment; and
- (4) be so clearly based upon broad grounds of political and administrative expediency as to negative any presumption that it has been exacted by clamour or agitation."

With the above principles as the guiding factor, the despatch proposed "to re-unite the five Bengali-speaking areas of Presidency, Burdwan, Rajshahi, Dacca and Chittagong divisions."

The despatch further stated: "It must be remembered that the Mahomedans of Eastern Bengal have at present an overwhelming majority in point of population and that if the Bengali-speaking divisions were amalgamated on the lines suggested in our scheme, the Mahomedans would still be in a position of approximate numerical equality with or possibly of small superiority over the Hindus. It must also be borne in mind that the interests of the Mahomedans will be safeguarded by the special representation that they enjoy in Legislative Council".

"The Beharies", the despatch continued, "are a sturdy, loyal people; and it is a matter of common knowledge that although they have long desired separation from Bengal, they refrained at the time of partition from asking for it, because they did not wish to join the Bengalis in opposition to Government. There has, moreover, been a very marked awakening in Bihar in recent years and a strong belief has grown up among the Beharis that Bihar will not develop until it is dissociated from Bengal."

The proposal of the Governor-General to create a province of Bengal with a Muslim majority, received the approval of the British cabinet and the despatch of the Secretary of State to the Governor-General, dated the 1st November, 1911, stated:—

"It is evident that in delimiting the new Presidency (of Bengal) care is needed to see that the balance of the different populations,

though it could not remain throughout the entire area as it stands at present in Eastern Bengal and Assam, is not unduly disturbed; and as you point out, the Special representation on the legislative councils, which is enjoyed by the Mahomedans, supplies them with a distinct safeguard in this respect."

Bengal could not agree to this sinister proposal and claimed all contiguous Bengali-speaking areas for the reunited province. The Congress of 1911 supported this claim and passed the following resolution: "That the Congress desires to place on record its sense of profound gratitude to H.M. the King-Emperor for the creation of a separate province in Bihar and Orissa under a Lieut-Governor-in-council and prays that in adjusting the provincial boundaries the Government would be pleased to place all the Bengali-speaking districts under one and the same administration."

Following the passing of this resolution by the Congress in December, 1911, there was a controversy in "The Bengalee" (of which the late Surendra Nath Banerjee was then the Editor), about the inclusion of Bhagalpur within the Bengali-speaking areas, and as a rejoinder which was published in the issue of 'The Bengalee' on the 4th January, 1912, under the signatures of Deep Narayan Sinha, Sachchidananda Sinha, Nanda Kishore Lal and Parameshwar Lal it was written: "In your leaderette in your issue of the 3rd January on the question of territorial redistribution between Bengal and Bihar, you remarked that there are important reasons why a part also of the district of Bhagalpur should come to Bengal, and you promised to advance these reasons in a later issue. Whatever the reasons may be to which you refer, the broad fact remains that the whole district of Bhagalpur is essentially Hindi-speaking. In accordance with the resolution of the last congress, the sound principle would be, as enunciated there, that all the Bengali-speaking tracts should be brought under the Government of Bengal and all the Hindi-speaking tracts under the Lieut-Governor of Bihar. According to this arrangement, the portions of Purnea and Maldah to the east of the river Mahananda,—which is the ethnic and linguistic boundary between Bengal and Bihar,—should go to Bengal and others to Bihar. Similarly, tracts in Santhal Parganas where the prevailing language is Bengali should go to Bengal and the Hindi-speaking tracts of the district should remain in Bihar. As for Chota Nagpur, the whole district of Manbhum and Dhalbhum pargana of Singhbhum district are Bengali-speaking and they should go to Bengal, the rest of the division, which is Hindi-speaking remaining in Bihar. If these arrangements are carried out, they would meet with the approval of both Bengal and Bihar,

and we hope you will see your way to support the scheme and withdraw your suggestion of any part of Bhagalpur being attached to Bengal".

The copy of the newspaper, in which the above letter was published, is still available in the National Library and the statement was never contradicted by any of the signatories during their lifetime. Bengali-speaking areas were thus demarcated by the then Bihar leaders.

The history, narrated above, will give a clear back-ground about the Bengali-speaking areas now being claimed by West Bengal. Had a consistent principle been followed in framing the Bihar-West Bengal bill, the following areas should have been transferred to West Bengal:—

(a) the whole of Purulia sub-district including Chas, Chandil and Patamda police stations;

(b) the whole of Dhanbad sub-district including Dhanbad town;

(c) the whole of Dhalbhum sub-division including Jamshedpur;

(d) the whole of the eastern portion of the Kishanganj sub-division lying to the east of the Mechi and the Mahananda;

(e) In Santhal Parganas, the whole of Jamtara and Pakur sub-divisions and the Bengali-speaking areas of Dumka, Raikmahal, Madhupur and Deoghar.

It may be argued that the claims of West Bengal should be based on today's context and the situation obtaining now. Even from that point of view, the areas mentioned above, should have been transferred to Bengal.

In course of his tours in the district of Manbhum in connection with the Bhodan movement, Acharya Vinobha Bhave had to get his prayer speeches translated into Bengali, so that the local people might understand them.

While addressing a meeting of the Hindi Sahitya Sammelan in December, 1947, Dr. Rajendra Prasad said: "It is because of the negligence and inactivity of the Bihar Provincial Hindi Sahitya Sammelan that Singhbhum and Dhalbhum are being claimed by West Bengal for their being non-Hindi-speaking areas. There are vast tracts in Bihar where Hindi is not widely spoken and it is the bounden duty of Hindi Sahitya Sammelan to advance the cause of the Hindi language in these areas. There are about 50 lakhs of

aboriginals in Chota Nagpur and the Santhal Parganas who cannot speak or understand Hindi." (*vide Hindusthan Standard*—dated the 22nd December, 1947).

The report published by the District Board in 1951 shows that out of 174 schools in the sub-division of Dhalbhum, as many as 154 are Bengali primary and middle schools.

Jamshedpur, being an industrial town, has a large number of floating non-Bengali population. But it has geographical contiguity with Dhalbhum, and it cannot be separated from its geographical hinterland. The deeds registered in Jamshedpur sub-registry office disclose that out of the total of 4,501 deeds registered in 1952, about 4,000 were in Bengali, 500 in English and one in Hindi. In 1953, out of 5,000 deeds registered, about 4,500 were in Bengali, only about 15 in Hindi and 485 in English. The figures for 1954 also repeat the same story. The total deeds registered in that year were 4,500, out of which 4,000 were in Bengali, 150 in Hindi and 350 in English. Manbhum including Dhanbad is also a Bengali-speaking area.

About Kishanganj sub-division, eminent authors like Grierson, O'Malley and others have stated that the Mahananda river forms a linguistic boundary between Hindi on the West and Bengali on the East. (*vide Imperial Gazetteer Vol. XX P. 416*). Further, this portion is necessary for West Bengal to unite its two dismembered portions into a compact state.

There are about 30 lakhs of Santhals in India at the present moment. They speak Bengali as a subsidiary language and the Santhali dialect has a close affinity with Bengali language. There are at present about seven lakhs of Santhals in West Bengal. The inclusion of Kishanganj, Santhal parganas, Manbhum and Dhalbhum will bring 15 lakhs more of Santhals to West Bengal. This will enable 22 lakhs out of 30 lakhs of Santhals to live together under one administration.

In the joint committee we got very little opportunity to make any material improvement or alterations, because linguistic principle was not followed. In fact, the Government followed no principle and, therefore, the Bill could satisfy none. In spite of a desire to understand each other's views at the meetings of the joint select committee, I have been left with a feeling that absence of any principle has stood in the way of altering the bill and take it to a logical conclusion. My amendments were all lost.

Bengal was all along victim of the wrath and vengeance of the then alien rulers, because of the valiant part which she had persistently played from the beginning of the twentieth century in the

national struggle for freedom of our Motherland from the British Imperialist stranglehold. She was dismembered deliberately through Royal Proclamation in 1911, so that her Hindu population, who had always organised movements and agitations to make the situation too hot for the British ruling authorities, might every moment feel the consequences of the penalty imposed. The national leaders who were at the helm of the Indian freedom movement all along acknowledged this glaring victimisation of Bengal's population at the hands of the alien rulers. It is, therefore, natural on the part of the people of Bengal to expect that at this stage,—after the exit of the foreign ruling authorities from the soil of India,—our national Government would render justice to them and fulfil their legitimate desire to get back all the Bengali-speaking areas which were amalgamated with the province of Bihar in order to teach the so-called recalcitrant Bengal population a hard lesson. That chance has now come to our national Government.

West Bengal stands for readjustment of its borders with Bihar on the principle of language, contiguity of areas and wishes of the people; and pursuant to that principle, I append herewith my note of dissent clarifying the claims of West Bengal. It is my firm conviction that the ideal of a socialist state which has been held up before our countrymen cannot be realised without linguistic states.

NEW DELHI;

MOHIT KUMAR MOITRA,

The 10th August, 1956.

IX

Out of my desire to assist in the solution of the vexed problem of the re-adjustment of boundaries between Bihar and West Bengal, I agreed to the proposal to transfer to West Bengal the territory to the east of the National Highway-31, and to the north of National Highway-34, even though I know that the popular sentiment among the people concerned is strong against such a transfer. But I am sorry that the Committee did not accept the suggestion that some adjustment was also necessary in the Sadar Sub-division of Manbhum not only for securing better administrative convenience for Bihar but also for maintaining goodwill between the two neighbouring States.

2. A greater part of the areas in Manbhum Sadar proposed to be transferred to West Bengal contains an overwhelming population of speakers of Hindi and tribal languages. In my view, it would be

wrong to place them under the administration of West Bengal where the regional language is Bengali.

3. Secondly, this area is densely populated, and it would not be fair to re-settle refugees there. It is well known that Bihar has always extended its helping hand to Government of India and West Bengal in the matter of rehabilitation of refugees from East Pakistan. A fairly large number of refugees numbering over 70,000 have already been settled in Bihar, and Bihar has again agreed to take over another lot of 50,000 refugees from East Pakistan for re-settlement. Not only this Bihar is perhaps the only state which has offered to give good cultivated land for the rehabilitation of these refugees. The rehabilitation of refugees is a national problem and it should be the duty of everyone of the States in this country to help its solution. Goodwill of all the States and particularly of Bihar, is required for a solution of this problem.

I hope my friends in West Bengal will appreciate this fact. It is necessary that whatever is done should be done in a manner that would ensure goodwill between the two sister States.

NEW DELHI;

R. P. N. SINHA.

The 10th August, 1956.

X

We think that too rigid a consideration for passages between parts of a State forming the State is not a happy proposition when the State forms part of the Indian Union and particularly when National Highways and Central managed railways are in existence and can be used by every citizen. However, on consideration of certain administrative facilities and the other arguments pressed, it could be argued that a portion of the Kishanganj sub-division may be transferred to West Bengal. We desire, however, to impress on all concerned that the solution of difficulties of this nature lies in mutual goodwill and understanding more than on the transference of certain portion of one State to another. On international frontiers such a consideration is even more important. We hope, however, that the safeguards suggested in the S. R. C. report will be provided and followed both in letter and in spirit. We would also suggest that where the National Highway passes through important bazars and towns it would be desirable to leave them intact in Bihar, and prefer a diversion of the road at that point, rather than cutting the towns and bazars into two.

In the other portions proposed to be transferred to West Bengal, e.g. portions of the Manbhum Sadar Sub-division we consider that the proposal there is even more difficult of acceptance. In the first place, certain portions in this sub-division are such where Bihari population (speaking Hindi and Tribal languages) is in preponderating majority, even to the extent of over 80 percent, and one could well visualise the feelings of the people of this area if they are transferred to another State.

Dhanbad and Jamshedpur, being the only two important industrial centres in Bihar, it becomes a real hardship if portions of the State lying between these two Industrial belts are handed over to another State for administration. Various complications will arise which could not and should not be ignored.

Then again, the Adibasi population is appreciable in this locality, and they will not only have to bear the pang of separation from their brethren, particularly as community ties among the adibasis are very strong indeed, but will also have a genuine grievance in being split up. Even from the point of view of linguistic considerations and considerations of catchment area of river Kansabati, now called Kasai, it would be inequitable to transfer the area covered by the police stations of Jhalda, Jaipur, Bhagumundi, Arsa and Balrampur. In fact, the best solution of the Kasai river problem is to hand it over to the D.V.C. for maintenance and improvement as the D.V.C. operates very close to this area, and has admittedly better experience, resources and personnel to train and improve this river than either Bengal or Bihar.

This area is so densely populated as not to admit of space for refugee resettlement. This, therefore, does not meet even the need of the refugees, which perhaps has been one of the guiding considerations, for further allotment of areas to West Bengal. The people in Bihar feel very strongly over this matter, and we still hope that there will be a re-consideration of the proposal with regard to transference of this area from Bihar.

It is well known that Bihar is feeling sorely over the transference of portions of the State to West Bengal, and if these very reasonable considerations are not taken into account, we apprehend that various complications may arise. It is not in a spirit of entering caveat that this note is appended to the report, but we owe it to ourselves, to the country and to Parliament that we state clearly

the position as it obtains, the real grievance of the people and the situation with which we are confronted.

NEW DELHI;

The 10th August, 1956.

SYAMANANDAN SAHAYA
TARKESHWARI SINHA
MAZHAR IMAM
A. IBRAHIM
P. C. BOSE
HARI MOHAN
PHANI GOPAL SEN
BHAGWAT JHA AZAD

XI

The Joint Committee has made some improvements in the Bill by excluding the territory in the Kishenganj Sub-division to the west of the National Highway 31, including Kishenganj town, from the territories to be transferred from Bihar to West Bengal. The Committee has thus partially undone the wrong that was sought to be perpetrated on the people of Kishenganj Sub-division. But we regret to note that the Committee failed to take note of the sentiments of the people, administrative convenience and other relevant factors in endorsing the proposal contained in the Bill in regard to the transfer of territories from the Sadar Sub-division of Manbhum.

2. The Committee has conceded that the National Highways 34 and 31 should be transferred to West Bengal in order that West Bengal may have a direct road link between central and south Bengal and north Bengal through its own territory because, the Committee seem to think, this would conduce to better administrative convenience. On the other hand, I regret to note, the existing direct road link between Dhanbad and Jamshedpur, between Dhanbad and Ranchi and between Muri and Dhanbad has been taken away from Bihar by recommending the transfer of a major portion of the Sadar Sub-division of Manbhum to West Bengal. The Committee should have taken note of the fact that the standard of administrative convenience should not have been one for West Bengal, and another for Bihar. There is a considerable volume of road traffic between the colliery areas of Dhanbad and the steel town of Jamshedpur, and between the Sub-divisional town of Dhanbad and the Divisional headquarters at Ranchi. The communication line between the two industrial regions is vital for the economy of Bihar, and any arrangement which disturbs this life line is suicidal to the development of Bihar, which is already a most backward state industrially, in spite of all its natural resources.

3. Further, there is no case for the transfer of any part of Manbhum to West Bengal on linguistic grounds. The following table shows the linguistic composition of the 16 police stations of the Sadar Sub-division of Manbhum which are proposed to be transferred to West Bengal, as has been found after the report of the S.R.C. from the village-wise resorting of census slips of the census of 1951.

Sl. No.	Police Stations	Hindi	Bengali	Santali	Others
1	Jhalda (Rural)	79.2	13.1	4.7	3.0
2	Jaipur	73.9	15.2	10.8	0.1
3	Purulia (Rural)	61.1	34.5	2.6	1.8
4	Arsa	57.3	25.3	12.9	4.5
5	Hura	43.6	36.2	17.9	2.3
6	Puncha	43.1	39.0	11.7	6.2
7	Balrampur (Rural)	30.2	28.4	26.9	14.5
8	Baghmundi	28.5	50.4	10.9	10.2
9	Barabazar	55.5	24.8	11.3	8.4
10	Bandwan	36.5	15.1	33.6	14.8
11	Manbazar	30.5	37.7	24.8	7.0
12	Raghunathpur (Rural)	33.4	58.5	7.7	0.4
13	Santuri	19.6	44.1	36.1	0.2
14	Neturia	32.3	42.8	24.4	0.5
15	Kashipur	18.9	52.2	28.2	0.7
16	Para	62.1	32.1	3.6	2.2

It would appear from the above table that some of the territories proposed to be transferred contain as large as 79% of Hindi-speaking population. In fact, barring Raghunathpur and Kashipur Police Stations, there is no other police station which contains Bengali-speaking population of anything well in excess of 50% of its total population. Leaving aside the speakers of other languages, the Hindi-speaking population forms a greater part of the total population of almost all the police stations than the Bengali speakers, except in Baghmundi, Manbazar, Raghunathpur, Santuri, Neturia and Kashipur. Of these, only the latter four are on the borders of West Bengal. Baghmundi is on the extreme west on the borders of Ranchi and it is separated from the borders of West Bengal by Hindi-speaking majority territories. The S. R. C. had accepted the principle that unless an area contained at least 70% of the population speaking one major language, it should not be

considered to be unilingual and it should not be detached from one State and attached to other unilingual State. Similar view was held by the Dar Commission also, and it was not repudiated by the J. V. P. Committee. Therefore on the basis of the principles laid down by the Commission there can be no ground for the transfer of these territories from Bihar to West Bengal. In the wake of the bigger bilingual State of Bombay to which Parliament has just given its approval, the proposal for the transfer of these areas from Bihar looks all the more ludicrous.

4. The only justification given by the S. R. C. for the transfer of the territories from Manbhum was that it would facilitate the implementation of the Kasai Project of West Bengal by bringing under the administrative control of West Bengal the catchment areas of the Kasai river. In the first place, the catchment area of this river covers only 1,400 sq. miles, and therefore, on this ground also, there could be no justification for the transfer of about 24,060 sq. miles of territories. Secondly, if West Bengal must have the catchment areas of the Kasai river, there can be no justification for depriving Bihar of the catchment areas of the Subarn Rekha in which Bihar is vitally interested. Thirdly, the Commission made this recommendation on a completely wrong assumption that Bihar was not interested in the Kasai river. Government of India are aware that Bihar had already planned for a big irrigation project based on this river and the project had already been included in the Second Five-Year-Plan. It is also significant to mention that Bihar's project would in no way be detrimental to the West Bengal's project on this river, and, if anything, it would be of immense benefit to West Bengal by its flood moderation effect. Apart from all these considerations, it is, in our view, a grave mistake to think of readjusting the boundaries of States on the basis of the catchment areas of the rivers. It cuts at the root of our national unity, and it may lead to disastrous consequences.

But if against all these weighty considerations, territories from Manbhum must be transferred to West Bengal as a measure to appease the feelings of our countrymen in West Bengal, I do not know how we can agree to the idea of transferring such areas where the speakers of Hindi and tribal languages preponderate and which form a contiguous area with Bihar.

R. D. SINHA DINKAR

NEW DELHI;
The 10th August, 1956.

XII

During the period of consideration of this Bill by the Joint Committee, I received hundreds of representations from various organisations, institutions, legislators and individuals of Kishanganj and Purulia Sub-divisions protesting against the transfer of these areas from Bihar to West Bengal. I feel that their protest is justified and their demand for ascertaining the wishes of the people is proper, inasmuch as the principles enunciated for the reorganisation of States do not apply to these areas. Arguments given for transferring Bihar areas to West Bengal put Bihar in a better position to make similar claims over West Bengal.

Matters like the exodus of minority population from East Bengal and taming of inter-State rivers, which are tackled more or less on an all-India level, need not be used by any State for claiming territories. In the face of West Bengal's opposition to the unconditional merger of Tripura with Assam, transfer of any area of Bihar to West Bengal on defence consideration is untenable.

RAM SUBHAG SINGH

NEW DELHI;
The 10th August, 1956.

XIII

We submit this note of dissent to express our strong disagreement with the report of the Joint Committee. The report disregards the linguistic principles in the matter of readjustment of boundaries between Bihar and West Bengal, it even falls short of what limited recommendation S. R. C. had made. Moreover, the whole issue was decided as though it was a dispute between two parties and the larger question of principle involved in it was completely lost sight of.

We strongly hold that the question of readjustment of boundaries of West Bengal can be judged only as a part of the bigger question of re-organisation of States of the entire country and decided only through the proper application of the linguistic principle. However much the Government might now decry the linguistic principle, it is a patent fact that the task of reorganisation of provinces had to be undertaken not on any other consideration, but essentially on consideration of the national demand of formation of provinces on linguistic basis. The S. R. C. recommendations too, for all practical purposes and in most cases, were in effect based on linguistic consideration. Wherever the re-distribution of provinces has been made on linguistic basis, there is a general appreciation of the

work of S. R. C. and wherever there is violation of that principle, all sorts of complications have arisen and adjustment has become more difficult than everbefore. There is, therefore, no point in side-tracking the issue. Every question of re-organisation of State, be it by way of re-formation of a State or by way of re-adjustment of boundary, must be judged by the linguistic principle and there is no room for any half way approach to it.

It is from this point of view that we have put forward our proposals.

We propose that the whole of Purulia Sub-district of Manbhum district should come to West Bengal, because it is essentially a Bengali speaking area. S. R. C. too admitted that. It is clearly stated in S. R. C. report that "In Purulia, on the other hand, there is unmistakable evidence of Bengali speaking influence even to-day. This sub-district has the largest concentration of Bengali speaking people outside West Bengal" (P. 179 of S. R. C. Report).

There is no question of leaving out Chas Thana, for it is a Part of the Purulia sub-district about which S. R. C. gives clear opinion. Chas Thana was left out by S. R. C. on ground of "its contiguity to Dhanbad" which is not a fact. Chas Thana is on the Purulia side of Dhamodar river and Dhanbad is on the other side and so the question of Chas Thana being contiguous to Dhanbad does not arise. It was undoubtedly a mistake on the part of S. R. C., which should be readily corrected by inclusion of Chas Thana in the area under transfer.

As regards Chandil Thana and Patamda P. S., we find no reason whatsoever for their exclusion, particularly when S.R.C. had recommended their inclusion in the area of transfer. It is reported that these areas have been kept in Bihar only to facilitate water supply to the Tata. We strongly hold that this cannot be a ground for taking out a part of a big Bengali speaking area and tagging it on to Hindi speaking area of another province. Therefore, Chandil Thana and Patamda P. S. too should be included in the area under transfer.

We also propose that consistent with linguistic principle the Bengali speaking areas contiguous to West Bengal in Kishanganj sub-division, in other parts of Purnea district in Dhanbad sub-division, the Dhalbhum sub-division and in Santal parganas too should come to West Bengal. There cannot be any doubt that in border regions there are areas where either Hindi and Bengali or language akin to Bengali is spoken and indication about that has been given by S. R. C. too. Likewise there may be Hindi speaking majority areas which should remain in Bihar. As we are not in a position to specify, at this stage, which are the exact areas of Bengali speaking

majority in this region and as also there is some controversy over the matter of census and dialects we propose that a Boundary Commission be set up to determine and demarcate such areas within two months taking village as unit. In our opinion this is most practical and principled solution of the matter.

In this connection we want to make it clear that so far as Kishan-ganj area is concerned, it has to be admitted that there are Bengali speaking people as well as people who speak Urdu and this area requires some special consideration. The need for having a compact West Bengal necessitates some connection between the completely dismembered parts of North and South Bengal for very special national reasons which cannot be altogether ruled out.

Finally, we want to state once again that it is by following the linguistic principle of formation of province alone that the best interest of the country will be served. It is the most practical way of evolving the broadest possible set-up in the administration of a province, that is so much needed today, not only for good administration of the particular province, but also for the better cooperative endeavour of the people of the country at large. It is with this idea that we want linguistic claims to be fully met. We are confident that this will pave the way for a better West Bengal playing her desired role, hand in hand with her sister province of Bihar, for the well being of the entire nation. That there is no room for any provincial feeling or linguistic rivalry in this democratic urge is quite evident from the complete harmony and brotherhood that exist between West Bengal people and the Hindi speaking brethren residing in the various parts of West Bengal and which will undoubtedly develop further in the wider democratic set-up of a linguistic province.

RENU CHAKRAVARTTY
TUSHAR CHATTERJEA
SATYAPRIYA BANERJEE
ABDUR REZZAK KHAN

NEW DELHI;
The 10th August, 1956.

THE BIHAR AND WEST BENGAL (TRANSFER OF
TERRITORIES) BILL, 1956

(AS AMENDED BY THE JOINT COMMITTEE)

(Words *sidelined* or *underlined* indicate the amendments made by
the Committee; asterisks indicate omissions.)

BILL No. 42B OF 1956

*A Bill to provide for the transfer of certain territories from Bihar
to West Bengal and for matters connected therewith.*

BE it enacted by Parliament in the Seventh Year of the Republic
of India as follows:—

PART I

PRELIMINARY

5 1. This Act may be called the Bihar and West Bengal (Transfer Short title.
of Territories) Act, 1956.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appointed day” means the 1st day of November, 1956;

(b) “article” means an article of the Constitution;

10 (c) “assembly constituency”, “council constituency” and
“parliamentary constituency” have the same meanings as in the
Representation of the People Act, 1950;

43 of 1950.

(d) “Election Commission” means the Election Commission
appointed by the President under article 324:

15 (e) “law” includes any enactment, ordinance, regulation
order, bye-law, rule, scheme, notification or other instrument

having the force of law in the whole or in any part of Bihar or West Bengal;

(f) "notified order" means an order published in the Official Gazette;

(g) "population ratio" means such ratio as the Central Government may, by notified order, specify to be the ratio between the population as ascertained at the last census of the State of Bihar excluding the transferred territories and the population as so ascertained of the transferred territories;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "sitting member" in relation to either House of Parliament or of the Legislature of a State means a person who, immediately before the appointed day, is a member of that House;

(j) "transferred territories" means the territories transferred from the State of Bihar to the State of West Bengal by section 3;

(k) "treasury" includes a sub-treasury.

PART II

TRANSFER OF TERRITORIES

Transfer of territories from Bihar to West Bengal.

3. (1) As from the appointed day, there shall be added to the State of West Bengal the territories which on the 1st day of March, 1956, were comprised in—

(a) that portion of Kishanganj sub-division of Purnea district which lies to the east of the boundary line demarcated in accordance with the provisions of sub-section (2) and that portion of Gopalpur thana of the said district which lies to the east or north, as the case may be, of the said boundary line; and

(b) Purulia sub-division of Manbhum district, excluding Chas thana, Chandil thana and Patamda police station of Barabhum thana; and the said territories shall thereupon cease to form part of the State of Bihar.

(2) The boundary line referred to in sub-section (1) shall be so demarcated as to be generally 200 yards to the west of the highway in Purnea district connecting Dalkola, Kishanganj and Chopra with Siliguri in Darjeeling district and 200 yards to the south or south-east of the highway in Purnea district connecting Dalkola and Karandighi with Raiganj in West Dinajpur district.

Provided that from the point where the first-mentioned highway meets the southern boundary of Kishanganj municipality to the point where it leaves the northern boundary of that municipality, the boundary line shall be the same as the boundary of that municipality on the east.

(3) The territory specified in clause (a) of sub-section (1) shall be included in, and form part of, Darjeeling district, and the territory specified in clause (b) of that sub-section shall form a separate district to be known as Purulia district within Burdwan division of the State of West Bengal.

(4) Nothing in sub-section (3) shall be deemed to affect the power of the State Government to alter after the appointed day the name, extent and boundaries of any district or division in the State of West Bengal.

4. As from the appointed day, in the First Schedule to the Constitution, in Part A, in the description of the territories of States,—

Amendment
of First
Schedule to
the Constitution.

(a) after the paragraph relating to the territory of the State of Assam, the following paragraphs shall be inserted, namely:—

“The territory of the State of Bihar shall comprise the territories which immediately before the commencement of this Constitution were either comprised in the Province of Bihar or were being administered as if they formed part of that Province, but shall not include the territories specified in sub-section (1) of section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956.

The territory of the State of West Bengal shall comprise the territories which immediately before the commencement of this Constitution were either comprised in the Province of West Bengal or were being administered as if they formed part of that Province and the territory of Chandernagore as defined in clause (c) of section 2 of the Chandernagore (Merger) Act, 1954, and also the territories specified in sub-section (1) of section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956.”;

(b) in the last paragraph, the words, brackets, letter and figures “and in the case of the State of West Bengal, shall also comprise the territory of Chandernagore as defined in clause (c) of section 2 of the Chandernagore (Merger) Act, 1954,” shall be omitted.

PART III

REPRESENTATION IN THE LEGISLATURES

Council of States

Amendment
of Fourth
Schedule to
the Constitu-
tion.

5. As from the appointed day, in the Fourth Schedule to the Constitution, in the Table of Seats, for the entries in the second column relating to Bihar and West Bengal, the entries "22" and "16" shall, respectively, be substituted.

Bye-elections
to fill vacan-
cies in the
Council of
States.

6. As soon as may be after the appointed day, bye-elections shall be held to fill the vacancies existing on that day in the seats allotted to Bihar and West Bengal.

10

Term of office
of members
of the Coun-
cil of States.

7. In order that, as nearly as may be, one-third of the members of the Council of States may retire on the 2nd day of April, 1958, and on the expiration of every second year thereafter, the President shall, after consultation with the Election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the members elected under section 6.

15

House of the People

Provision as
to existing
House of the
People.

8. Nothing in section 3 shall be deemed to affect the extent of the constituency of any sitting member of the existing House of the People from Bihar.

20

Legislative Assemblies

Allocation of
certain sit-
ting members
of the Bihar
Legislative
Assembly.

9. The sitting members of the Legislative Assembly of Bihar representing the Thakurganj, Karandighi, Para-cum-Chas and Bara-bazar-cum-Chandil constituencies shall, notwithstanding the reduction in the extent of those constituencies by the transfer of portions thereof to West Bengal, continue to be members of the Legislative Assembly of Bihar; and the sitting members of that Assembly representing any other constituency lying wholly or partly in the transferred territories shall, as from the appointed day, be deemed to have been elected to the Legislative Assembly of West Bengal and cease to be members of the Legislative Assembly of Bihar.

25

30

Duration of
Legislative
Assemblies of
Bihar and
West Bengal.

10. The changes in the composition of the Legislative Assemblies of Bihar and West Bengal under section 9 shall not affect their duration as provided in clause (1) of article 172.

Legislative Councils

35

Bihar Legis-
lative
Council.

11. (1) Any reference in the Delimitation of Council Constituencies (Bihar) Order, 1951, to the State of Bihar, Bhagalpur division or Chota Nagpur division shall be construed as excluding

the transferred territories from that State or division, as the case may be.

(2) Every sitting member of the Legislative Council of Bihar representing a council constituency the extent of which is altered by virtue of sub-section (1) shall, as from the appointed day, be deemed to have been elected to the said Council by that constituency as so altered.

12. (1) Any reference in the Delimitation of Council Constituencies (West Bengal) Order, 1951, to the State of West Bengal, Burdwan division or Darjeeling district shall be construed as including the transferred territories to that State, division or district, as the case may be.

West Bengal
Legislative
Council.

(2) In the Table appended to the said Order, in the entry in the second column, against West Bengal West (Graduates) Constituency, after the word "Bankura", the word "Purulia" shall be inserted.

(3) Every sitting member of the Legislative Council of West Bengal representing a council constituency the extent of which is altered by virtue of sub-section (1) or sub-section (2) shall, as from the appointed day, be deemed to have been elected to the said Council by that constituency as so altered.

Delimitation of Constituencies

13. The number of seats in the House of the People allotted to Bihar and to West Bengal and the number of seats assigned to the Legislative Assembly of each of those States by order of the Delimitation Commission under the Delimitation Commission Act, 1952, shall be modified as follows:—

Allocation of
seats in the
House of the
People and
assignment of
seats to State
Legislative
Assemblies.

	Number of seats in the House of the People	Number of seats in the Legislative Assembly
30 Bihar	53	318
West Bengal	36	252

14. As soon as may be after the commencement of this Act, the President may, by notified order, make such modifications in the Constitution (Scheduled Castes) Order, 1950, and the Constitution (Scheduled Tribes) Order, 1950, as he thinks fit, having regard to the transfer of territories effected by section 3.

Modification
of the Sched-
uled Castes
and Sched-
uled Tribes
Orders.

15. (1) After the said Orders have been so modified, the population as at the last census of the scheduled castes and of the scheduled tribes in Bihar and West Bengal shall be ascertained or estimated by the census authority in such manner as may be prescribed and shall be notified by that authority in the Gazette of India.

Determina-
tion of popu-
lation of Sched-
uled Castes
and Sched-
uled Tribes.

(2) The population figures so notified shall be taken to be the relevant population figures as ascertained at the last census and shall supersede any figures previously published.

Del
of
ion
consti-
tuen-
cies.

16. (1) As soon as may be after the commencement of this Act, the Central Government shall, by notified order, appoint an authority—

(a) to determine on the basis of the population figures notified under section 15 the number of seats to be reserved for the scheduled castes and the scheduled tribes of Bihar and of West Bengal in the House of the People and in the Legislative Assembly of each of those States, having regard to the relevant provisions of the Constitution and of this Act; and

(b) to revise the orders of the Delimitation Commission made under section 8 of the Delimitation Commission Act, 1952, so as to provide, having regard to the provisions of the Constitution and of this Act, for a proper delimitation of all parliamentary and assembly constituencies of Bihar and West Bengal.

81 of 1952.

(2) The said authority shall perform its functions in such manner and shall follow such procedure, as may be prescribed.

PART IV

HIGH COURTS

Extension of,
Jurisdiction
of, and trans-
fer of pro-
ceedings to,
Calcutta
High Court.

17. (1) Except as hereinafter provided,—

(a) the jurisdiction of the High Court at Calcutta shall, as from the appointed day, extend to the transferred territories; and

(b) the High Court at Patna shall, as from that day, have no jurisdiction in respect of the transferred territories.

(2) Such proceedings, pending in the High Court at Patna immediately before the appointed day as are certified by the Chief Justice of that High Court, having regard to the place of accrual of the cause of action and other circumstances, to be proceedings which ought to be heard and decided by the High Court at Calcutta shall, as soon as may be after such certification, be transferred to the High Court at Calcutta.

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(3) Notwithstanding anything contained in sub-sections (1) and (2), but save as hereinafter provided, the High Court at Patna shall have, and the High Court at Calcutta shall not have, jurisdiction to entertain, hear or dispose of appeals, applications for leave to appeal to the Supreme Court, applications for review and other proceedings, where any such proceedings seek any relief in respect of any order passed by the High Court at Patna before the appointed day:

Provided that if, after such proceedings have been entertained by the High Court at Patna, it appears to the Chief Justice of that High Court that they ought to be transferred to the High Court at Calcutta, he shall order that they shall be so transferred, and such proceedings shall thereupon be transferred accordingly.

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(4) Any order made by the High Court at Patna—

(a) before the appointed day in any proceedings transferred to the High Court at Calcutta by virtue of sub-section (2); or

(b) in any proceedings with respect to which the High Court at Patna retains jurisdiction by virtue of sub-section (3), shall, for all purposes, have effect, not only as an order of the High Court at Patna, but also as an order made by the High Court at Calcutta.

18. Any person who immediately before the appointed day is an advocate entitled to practise in the High Court at Patna and was authorised to appear in any proceedings transferred from that High Court to the High Court at Calcutta under section 17 shall have the right to appear in the High Court at Calcutta in relation to those proceedings.

Right to appear in any proceedings transferred to Calcutta High Court.

19. For the purposes of sections 17 and 18,—

Interpretation.

(a) proceedings shall be deemed to be pending in the High Court at Patna until that Court has disposed of all issues between the parties, including any issues with respect to the taxation of the costs of the proceedings and shall include appeals, applications for leave to appeal to the Supreme Court, applications for review, petitions for revision and petitions for writs;

(b) references to a High Court shall be construed as including references to a Judge or division court thereof, and references to an order made by a court or a Judge shall be construed as including references to a sentence, judgment or decree passed or made by that court or Judge.

PART V

AUTHORISATION OF EXPENDITURE

20. (1) As from the appointed day, any Act passed by the Legislature of West Bengal before that day for the appropriation of any money out of the Consolidated Fund of the State to meet any expenditure in respect of any part of the financial year 1956-57 shall have effect also in relation to the transferred territories, and it shall be lawful for the State Government to spend any amount in those territories out of the amount authorised by such Act to be expended for any service in that State.

Appropriation of moneys for expenditure in transferred territory under existing Appropriation Acts.

(2) The Governor of West Bengal may, after the appointed day authorise such expenditure from the Consolidated Fund of the State as he deems necessary for any purpose or service in the transferred territories for any period not extending beyond the 31st day of March, 1957.

Distribution
of revenues.

21. Section 3 of the Union Duties of Excise (Distribution) Act, 1953, and paragraphs 3, 4 and 5 of the Constitution (Distribution of Revenues) Order, 1953, shall, in respect of the financial year 1956-57 have effect subject to such modifications as the President may, by notified order, specify having regard to the transfer of territories effected by section 3 of this Act. 5

3 of 1953.

PART VI

APPORTIONMENT OF ASSETS AND LIABILITIES

Land and
goods.

22. (1) Subject to the other provisions of this Part, all land and all stores, articles and other goods in the transferred territories belonging to the State of Bihar shall, as from the appointed day, pass to the State of West Bengal. 10

(2) Any unissued stores of any class in Bihar shall be divided between West Bengal and Bihar in proportion to the total indents for stores of that class made in the period of three years ending with the 31st day of March, 1956, for the transferred territories and for the rest of Bihar: 15

Provided that nothing in this sub-section shall apply to stores held for specific purposes such as use or utilisation in particular institutions, workshops or undertakings or on particular works under construction. 20

(3) In this section, the expression "land" includes immovable property of every kind and any rights in or over such property and the expression "goods" does not include coins, bank notes and currency notes. 25

Treasury and
bank balances.

23. The total of the cash balances in all treasuries of Bihar and the credit balances of Bihar with the Reserve Bank of India immediately before the appointed day shall be divided between that State and West Bengal according to the population ratio:

Provided that for the purposes of such division, there shall be no transfer of cash balances from any treasury to any other treasury and the apportionment shall be effected by adjusting the credit balances of Bihar and West Bengal in the books of the Reserve Bank of India on the appointed day. 30

Arrears
of taxes.

24. The right of Bihar to recover arrears of any tax or duty on property situate in the transferred territories, including land revenue, shall belong to West Bengal and the right of Bihar to recover arrears of any other tax or duty in any case where the place of assessment of that tax or duty is in the transferred territories shall also belong to West Bengal. 35 40

25. The right to recover any loans or advances made before the appointed day by Bihar to any local body, society, agriculturist or other person in the transferred territories shall belong to West Bengal.

Right to recover loans and advances.

5 26. The investments in the cash balance investments account, the famine relief fund and the general fund of Bihar and the sums at the credit of Bihar in the central road fund shall be divided between Bihar and West Bengal according to the population ratio; and the investments in any special fund the objects of which are
10 confined to the transferred territories or any part thereof shall pass to West Bengal.

Credits in certain funds.

27. (1) The assets and liabilities relating to any commercial or industrial undertaking of Bihar located in the transferred territories shall pass to West Bengal.

Assets and liabilities of State undertakings.

15 (2) Where a depreciation reserve fund is maintained by Bihar for any such commercial or industrial undertaking, the securities held in respect of investments made from that fund shall also pass to West Bengal.

28. (1) The public debt of Bihar attributable to loans raised by
20 the issue of Government securities and outstanding with the public immediately before the appointed day shall continue to be the debt of Bihar:

Public debt.

Provided that—

25 (a) West Bengal shall be liable to pay to Bihar a share of the sums due from time to time for the servicing and repayment of the public debt; and

(b) for the purpose of determining the said share, the said debt shall be deemed to be divided between Bihar and West Bengal as if it were a debt referred to in sub-section (2).

30 (2) The public debt of Bihar attributable to loans taken from the Central Government, the Reserve Bank of India or any other bank before the appointed day shall be divided between Bihar and West Bengal in proportion to the total expenditure on all capital works and other capital outlays incurred up to the appointed day
35 in the territories of Bihar excluding the transferred territories and in the transferred territories, respectively:

Provided that for the purposes of such division, only expenditure on assets for which capital accounts have been kept shall be taken into account.

(3) Where a sinking fund is maintained by Bihar for the repayment of any loan raised by it, the securities held in respect of investments made from that fund shall be divided between Bihar and West Bengal in the same proportion as the public debt referred to in sub-section (2).

5

(4) In this section, the expression "Government security" means a security created and issued for the purpose of raising a public loan and having any of the forms specified or prescribed under clause (2) of section 2 of the Public Debt Act, 1944.

18 of 1944

Deposits. 29. The liability of Bihar in respect of any civil deposit or local fund deposit made in the transferred territories shall, as from the appointed day, be the liability of West Bengal. 10

Provident Funds. 30. The liability of Bihar in respect of the provident fund account of any Government servant who, being in service on the appointed day, is permanently allotted to West Bengal shall, as from that day, be the liability of West Bengal. 15

Pensions. 31. The liability of Bihar in respect of pensions shall be apportioned between that State and West Bengal in accordance with the provisions contained in the Schedule.

Contracts. 32. (1) Where, before the appointed day, the State of Bihar has made any contract in the exercise of its executive power for any purposes of the State, that contract shall be deemed to have been made in the exercise of the executive power-- 20

(a) of Bihar, if the purposes of the contract are, as from the appointed day, exclusively purposes of that State; 25

(b) of West Bengal, if the purposes of the contract are, as from that day, exclusively purposes of that State; and

(c) of Bihar, in any other case;

and all rights and liabilities which have accrued, or may accrue, under any such contract shall, to the extent to which they would have been rights or liabilities of Bihar, be rights or liabilities of Bihar or of West Bengal, as the case may be: 30

Provided that, in any such case as is referred to in clause (c), the initial allocation of rights and liabilities made by this sub-section shall be subject to such financial adjustment as may be agreed upon between the two States, or in default of such agreement, as the Central Government may by order direct. 35

(2) For the purposes of this section, there shall be deemed to be included in the liabilities which have accrued or may accrue under any contract—

(a) any liability to satisfy an order or award made by any court or other tribunal in proceedings relating to the contract; and

(b) any liability in respect of expenses incurred in or in connection with any such proceedings.

(3) This section shall have effect subject to the other provisions of this Part relating to the apportionment of liabilities in respect of loans, guarantees and other financial obligations; and bank balances and securities shall, notwithstanding that they partake of the nature of contractual rights, be dealt with under those provisions.

33. Where, immediately before the appointed day, Bihar is subject to any liability in respect of actionable wrong other than breach of contract, that liability shall,—

Liability in respect of actionable wrong.

(a) if the cause of action arose wholly within the transferred territories, be a liability of West Bengal;

(b) if the cause of action arose wholly within the territories of Bihar excluding the transferred territories, be a liability of Bihar; and

(c) in any other case, be initially a liability of Bihar, but subject to such financial adjustment as may be agreed upon between that State and West Bengal, or in default of such agreement, as the Central Government may by order direct.

34. Where, immediately before the appointed day, Bihar is liable as guarantor in respect of any liability of a registered co-operative society, that liability shall—

Liability as guarantor of Co-operative Societies.

(a) if the area of the society's operations is limited to the transferred territories, be a liability of West Bengal; and

(b) in any other case, continue to be a liability of Bihar.

35. If any item in suspense is ultimately found to affect an asset or liability of the nature referred to in any of the foregoing provisions of this Part, it shall be dealt with in accordance with that provision.

Items in suspense.

36. Where either Bihar or West Bengal becomes entitled to any property or obtains any benefits or becomes subject to any liability, and the Central Government, on a reference made within a period of three years from the appointed day by either of the States, is of the opinion that it is expedient to order allocation or adjustment in certain cases.

Power of the Central Government to order allocation or adjustment in certain cases.

opinion that it is just and equitable that that property or those benefits should be transferred to, or shared with, the other State or that a contribution towards that liability should be made by the other State, the said property or benefits shall be allocated in such manner between the two States, or the other State shall make to the State 5 subject to the liability such contribution in respect thereof, as the Central Government may, after consultation with the two State Governments, by order determine.

Certain expenditure to be charged on the Consolidated Fund.

37. All sums payable by either Bihar or West Bengal to the other State by virtue of the provisions of this Part shall be charged on the 10 Consolidated Fund of the State by which such sums are payable.

PART VII

ADMINISTRATIVE PROVISIONS

State Financial Corporations.

38. (1) As from the appointed day, the Financial Corporations constituted under the State Financial Corporations Act, 1951, for the 15 63 of 1951. States of Bihar and West Bengal shall be deemed to have been constituted for those States with their areas as altered by the provisions of section 3.

(2) Bihar shall be liable to pay to West Bengal on account of its share of the paid-up capital of the Bihar State Financial Corpora- 20 tion such amount as the Central Government may by order determine.

Temporary provisions as to the continuance of certain existing road transport permits.

39. (1) Notwithstanding anything contained in section 63 of the Motor Vehicles Act, 1939, a permit granted by the State Transport 4 of 1939. Authority of Bihar or by any Regional Transport Authority in 25 Bihar shall, if such permit was immediately before the appointed day valid and effective in any area within the transferred territories, be deemed to continue to be valid and effective in that area after that day subject to the provisions of that Act as for the time being in force in that area; and it shall not be necessary for any such 30 permit to be countersigned by the State Transport Authority of West Bengal or by any Regional Transport Authority in West Bengal for the purpose of validating it for use in such area:

Provided that the Central Government may, after consultation with the State Governments, add to, amend or vary the conditions 35 attached to the permit by the authority by which the permit was granted.

(2) No toll, entrance fee or other charge of a like nature shall be levied after the appointed day in respect of any transport vehicle 40 for its operations in the transferred territories under any such

permit, if such vehicle was immediately before that day exempt from the payment of any such toll, entrance fee or other charge for its operations beyond the boundaries of Bihar:

Provided that the Central Government may, after consultation with both the State Governments, authorise the levy of any such toll, entrance fee or other charge as the case may be.

40. (1) Every person who immediately before the appointed day is serving in connection with the affairs of Bihar shall, as from that day, continue so to serve, unless he is required by general or special order of the Central Government to serve provisionally in connection with the affairs of West Bengal.

Provisions
relating to
services.

(2) As soon as may be after the appointed day, the Central Government shall, by general or special order, determine the State to which every person provisionally allotted to West Bengal shall be finally allotted for service and the date from which such allotment shall take effect or be deemed to have taken effect.

(3) Every person who is finally allotted under the provisions of sub-section (2) to Bihar or West Bengal shall, if he is not already serving therein, be made available for serving in that State from such date as may be agreed upon between the two State Governments and in default of such agreement, as may be determined by the Central Government.

(4) Nothing in this section shall be deemed to affect after the appointed day the operation of the provisions of Chapter I of Part XIV of the Constitution in relation to the determination of the conditions of service of persons serving in connection with the affairs of Bihar or of West Bengal:

Provided that the conditions of service applicable immediately before the appointed day to the case of any person provisionally or finally allotted to West Bengal under this section shall not be varied to his disadvantage except with the previous approval of the Central Government.

(5) The Central Government may at any time before or after the appointed day give such directions to either State Government as may appear to it to be necessary for the purpose of giving effect to the foregoing provisions of this section and the State Government shall comply with such directions.

Provisions as to the continuance of officers in the same posts.

41. Every person who, immediately before the appointed day, is holding or discharging the duties of any post or office in connection with the affairs of Bihar in any area within the transferred territories shall continue to hold the same post or office in West Bengal, and shall be deemed as from that day to have been duly appointed to that post or office by the Government of, or other appropriate authority in, West Bengal: 5

Provided that nothing in this section shall be deemed to prevent a competent authority, after the appointed day, from passing in relation to any such person any order affecting his continuance in such post or office. 10

PART VIII

LEGAL AND MISCELLANEOUS PROVISIONS

Territorial extent of laws.

42. The provisions of section 3 shall not be deemed to have effected any change in the territories to which any law in force immediately before the appointed day extends or applies, and territorial references in any such law to Bihar or West Bengal shall, until otherwise provided by a competent legislature or other competent authority, be construed as meaning the territories within that State immediately before the appointed day. 20

Power to adapt laws.

43. For the purpose of facilitating the application of any law in relation to Bihar or West Bengal, the appropriate Government may, before the expiration of one year from the appointed day, by order make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent authority or competent legislature. 25

Explanation.—In this section, the expression “appropriate Government” means, as respects any law relating to a matter enumerated in the Union List, the Central Government, and as respects any other law, the State Government. 30

Power to construe laws.

44. Notwithstanding that no provision or insufficient provision has been made for the adaptation of a law made before the appointed day, any court, tribunal or authority, required or empowered to enforce such law may, for the purpose of facilitating its application in relation to Bihar or West Bengal, construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority. 35

45. The Government of West Bengal may, by notification in the Official Gazette, specify the authority, officer or person who, as from the appointed day, shall be competent to exercise such functions exercisable under any law in force on that day in any part of the transferred territories as may be mentioned in that notification, and such law shall have effect accordingly.

Power to name authorities, etc. for exercising statutory functions.

46. Where, immediately before the appointed day, the State of Bihar is a party to any legal proceedings with respect to any property, rights or liabilities transferred to the State of West Bengal under this Act, that State shall be deemed to be substituted for the State of Bihar as a party to those proceedings, or added as a party thereto, as the case may be, and the proceedings may continue accordingly.

Legal proceedings.

47. (1) Every proceeding pending immediately before the appointed day before a court (other than a High Court), tribunal, authority or officer—

Transfer of pending proceedings.

(a) in any area which on that day remains within Bihar shall, if it is a proceeding relating exclusively to any part of the transferred territories, stand transferred to the corresponding court, tribunal, authority or officer in West Bengal; and

(b) in any area which on that day falls within the transferred territories shall, if it is a proceeding relating exclusively to any part of the territories remaining within Bihar, stand transferred to the corresponding court, tribunal, authority or officer in that State.

(2) If any question arises as to whether any proceeding should stand transferred under sub-section (1), it shall be referred to the High Court having jurisdiction in respect of the area in which the court, tribunal, authority or officer before which, or before whom, such proceeding is pending on the appointed day, is functioning and the decision of that High Court shall be final.

(3) In this section,—

(a) "proceeding" includes any suit, case or appeal; and

(b) "corresponding court, tribunal, authority or officer" in a State means—

(i) the court, tribunal, authority or officer in which, or before whom, the proceeding would have lain if the proceeding had been instituted after the appointed day, or

(ii) in case of doubt, such court, tribunal, authority or officer in that State as may be determined after the appointed day by the Government of that State, or before the appointed day by the Government of Bihar, to be the corresponding court, tribunal, authority or officer. 5

Right of
pleaders to
practise in
certain
courts.

48. Any person who, immediately before the appointed day, is enrolled as a pleader entitled to practise in any subordinate courts in the transferred territories shall, for a period of six months from that day, continue to be entitled to practise in those courts, notwithstanding that the whole or any part of the territories within the jurisdiction of those courts has been transferred to West Bengal. 10

Effect of
provisions
inconsistent
with other
laws.

49. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

Power to
remove diffi-
culties.

50. If any difficulty arises in giving effect to the provisions of this Act, the President may by order do anything not inconsistent with such provisions which appears to him to be necessary or expedient for the purpose of removing the difficulty. 15

Power to
make rules.

51. (1) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act. 20

(2) All rules made under this section shall be laid before both Houses of Parliament as soon as may be after they are made.

THE SCHEDULE

[See section 31]

APPORTIONMENT OF LIABILITY IN RESPECT OF PENSIONS

25

1. Subject to the adjustments mentioned in paragraph 3, each of the States of Bihar and West Bengal shall, in respect of pensions granted by Bihar before the appointed day, pay the pensions drawn in its treasuries.

2. Subject to the said adjustments, the liability in respect of pensions of officers serving in connection with the affairs of Bihar who retire or proceed on leave preparatory to retirement before the appointed day, but whose claims for pensions are outstanding immediately before that day, shall be the liability of Bihar.

3. There shall be computed in respect of the second half of the financial year 1956-57 and in respect of each subsequent financial

year, the total payments made in respect of pensions referred to in paragraphs 1 and 2; that total, representing the liability of Bihar in respect of pensions, shall be apportioned between Bihar and West Bengal in the population ratio, and the State paying more than its 5 due share shall be reimbursed the excess amount by the other State.

4. (1) The liability in respect of the pension of any officer serving immediately before the appointed day in connection with the affairs of Bihar, and retiring on or after that day, shall be the liability of the State which grants him the pension; but the portion of the 10 pension attributable to the service of any such officer before the appointed day in connection with the affairs of Bihar shall be allocated between Bihar and West Bengal in the population ratio, and the Government which grants the pension shall be entitled to receive from the other Government its share of this liability.

15 (2) If any such officer was serving after the appointed day for some period in connection with the affairs of Bihar and for some period in connection with the affairs of West Bengal, the Government other than the one granting the pension shall reimburse to the Government by which the pension is granted an amount which bears 20 to the portion of the pension attributable to his service after the appointed day the same ratio as the period of his qualifying service after the appointed day under the reimbursing State bears to the total qualifying service after the appointed day reckoned for the purposes of pension.

25 5. Any reference in this Schedule to a pension shall be construed as including a reference to the commuted value of the pension.

M. N. KAUL,
Secretary.

